

*TOLEDO CITY
PLAN COMMISSION
REPORT*

May 14, 2015

*Toledo-Lucas County Plan Commissions
One Government Center, Suite 1620, Toledo, OH 43604
Phone 419-245-1200, FAX 419-936-3730*

MEMBERS OF THE TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

TOLEDO CITY PLAN COMMISSION

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(Vice Chairman)

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**TOLEDO-LUCAS COUNTY PLAN COMMISSIONS
APPLICATION DEADLINE, AGENDA, STAFF REPORT AND HEARING
SCHEDULE - 2015**

APPLICATION DEADLINE*	AGENDA SET	STAFF REPORT DISTRIBUTED	HEARING DATE
CITY PLAN COMMISSION (<i>HEARINGS BEGIN AT 2PM</i>)			
November 24	December 22	December 26	January 8
December 30	January 26	January 30	February 12
January 27	February 23	February 27	March 12
February 24	March 23	March 27	April 9
March 31	April 27	May 1	May 14
April 28	May 25	May 29	June 11
May 26	June 22	June 26	July 9
June 30	July 27	July 31	August 13
July 28	August 24	August 28	September 10
August 25	September 21	September 25	October 8
September 22	October 19	October 23	November 5**
October 20	November 16	November 20	December 3**
COUNTY PLANNING COMMISSION (<i>HEARINGS BEGIN AT 9AM</i>)			
December 15	January 12	January 16	January 28
January 12	February 9	February 13	February 25
February 9	March 9	March 13	March 25
March 9	April 6	April 10	April 22
April 13	May 11	May 15	May 27
May 11	June 8	June 12	June 24
June 8	July 6	July 10	July 22
July 13	August 10	August 14	August 26
August 10	September 7	September 11	September 23
September 14	October 12	October 12	October 28
October 5	November 2	November 6	November 18**
November 2	November 30	December 4	December 16**

* County deadlines are for Preliminary Drawings

** Date shifts are due to holidays

**Conversion Table
Toledo Zoning Code Update - Zoning District Designations**

Existing District	New District Effective June 6, 2004
R-A, Single Family	RS12, Single Dwelling
R-B, Single Family	
R-1, Single Family	RS9, Single Dwelling
R-2, Single Family	RS6, Single Dwelling
R-3, Two Family	RD6, Duplex
R-2A, Restricted Multi Family	RM12, Multi Dwelling
None	RM24, Multi Dwelling
R-4, Multi Family	RM36, Multi Dwelling
R-4A, Multi Family	
R-5, Multi Family	
R-MH, Manufactured Home	RMH, Manufactured Housing Park
Commercial Districts	
C-1, Neighborhood	CN, Neighborhood
N-MX, Neighborhood Mixed Use	
C-2, Restricted Office	CO, Office
C-7, Office Park	
C-6-HS Redevelopment - Heritage South*	CS, Storefront
C-6-LA, Redevelopment - Lagrange*	
C-MX, Community Mixed Use	CM, Mixed Use
C-3, Commercial	CR, Regional
C-4, Shopping Center	CR-SO, Regional - Shopping Ctr. Sign Overlay
C-5, Central Business District	CD, Downtown
Industrial District	
M-1, Restricted Industrial	IL, Limited Industrial
M-2, Industrial	IG, General Industrial
M-4, Warehouse	
M-3, Planned Industrial	IP, Planned Industrial/Business Park
Special Purpose District	
P, Parks	POS, Park & Open Space
None	IC, Institutional Campus
Overlay Districts	
CUP, Community Unit Plan	None
D.O.D, Downtown	-DO, Downtown
HD, Historic District	-HO, Historic District
MR-O, Maumee River	-MRO, Maumee River
None	-UNO, Urban Neighborhood
None	-PO, Pedestrian
None	-SO, Shopping Center Sign

*The Heritage South and Lagrange C-6 Standards remain unless repealed

TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

May 14, 2015

2:00 p.m.

PUBLIC HEARING WILL BE HELD AT ONE GOVERNMENT CENTER

AT JACKSON BOULEVARD AND ERIE STREET

IN COUNCIL CHAMBERS

ON THE FOLLOWING CASES

AGENDA

ROLL CALL - Toledo City Plan Commission

PROOF OF NOTICE

SWEARING IN

MINUTES

FINAL PLATS

S-4-15: Final Plat of the Replat of Secor Village, located east of Secor Road, north of Executive Parkway

DIRECTOR'S REPORT

CHAIRMAN'S REPORT

**ITEM
NO.**

CASE DESCRIPTION

- | | |
|-----------------|--|
| 1. M-4-15: | Adoption of Toledo Strategic Plan for Arts and Culture as an amendment to the Toledo 20/20 Comprehensive Plan (gp) |
| 2. SUP-3001-15: | Special Use Permit for expansion of existing convenience store at 5255 Hill Avenue (gp) |
| 3. V-544-15: | Vacation of a portion of the Manley Road right of way, south of Garden Road (bh) |
| 4. Z-3009-15: | Zone Change from IL to CD at 13 N. Michigan Street (bh) |
| 5. Z-3004-15: | Zone Change from CO to CN at 1457 and 1509 Dorr Street and 1508 and 1510 Woodland Avenue (bh) |

- 6. Z-3003-15: Zone Change from RS9 to CR at 3835 Secor Road (bh)
- 7. SPR-10-15: Major Site Plan Review for new commercial development at 3835 Secor Road (bh)
- 8. Z-3006-15: Zone Change from CR to IL at 3025 N. Summit Street (bh)
- 9. Z-3005-15: Zone Change from RS6 to CO at 4248 Secor Road (gp)
- 10. OWE-1-15: Appeal of denial of Certificate of Appropriateness for demolition of structure at 2301 Glenwood Avenue (mm)
- 11. SUP-11001-14: Special Use Permit for fuel sales and tobacco shop at 4460 Lewis Avenue (gp)
- 12. M-3-15: Amendment to Toledo Municipal Code Section 1115 replacing all references to the Director of the Department of Inspection with the Commissioner of the Division of Inspection (gp)

ADJOURNMENT

GENERAL INFORMATION

Subject

- Request - Adoption of the Toledo Strategic Arts Plan as an amendment to the Toledo 20/20 Comprehensive Plan
- Applicant - Arts Commission of Greater Toledo
Mark Folk
1838 Parkwood Avenue
Suite 120
Toledo, OH 43624

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting approval of the 2015 Strategic Plan for Arts and Culture as an amendment to the Toledo 20/20 Comprehensive Plan. The Toledo Strategic Plan for Arts and Culture is a document that was created through community engagement, research, and cultural assessment to develop a plan to unite and rejuvenate eight (8) neighborhoods in, and around Toledo's downtown: Cherry Street Area, Dorr Street Area, East Toledo, Olde North End, Old South End, Old West End, UpTown, and Warehouse District.

The 2015 Toledo Strategic Plan for Arts and Culture is the first in more than ten (10) years, and the first ever to base its recommendations on input from Toledo neighborhoods in addition to arts and culture organizations, civic and business leaders, and stakeholders. A committee was appointed in November 2013 to oversee the plan's development. Their focus was to identify downtown's Toledo's creative assets and challenges, and to establish ten (10) strategic objectives that outline a plan of action to support arts and cultural development. Each objective was studied independently and presented as a primary goal for the plan. All primary goals are comprised of short-term and long-term goals.

STAFF ANALYSIS (cont'd)

Objectives

Objective #1 – Education, Youth, and Family Engagement: Implementation of the Plan will increase existing partnerships, and develop new partnerships between neighborhoods and arts and culture organizations. All eight (8) target neighborhoods will have a partnership with an arts and culture organization. The partnership will collaborate to engage communities in K-12 arts, education, and to increase access to the arts and culture. Public, private, and charter schools will develop an Arts Education Master Plan to help leverage funding for education programs and to maximize the engagement of schools through the creation of more paid and unpaid internships and mentorships.

Objective #2 – Image, Marketing, and Sense of Place: The marketing goals of the Toledo Strategic Plan for Arts and Culture are to develop a direct and ongoing relationship building campaign with elected officials, stakeholders, and other decision makers to build support for arts and culture. Branding will focus on Toledo's strengths such as the art of design, invention, and manufacturing. By identifying existing multi-platform, centralized information sources for arts and culture and determining how best to use them to increase access and awareness, the Toledo's arts and culture assets will be marketed regionally, nationally, and internationally.

Objective #3 – Racial, Ethic, and Cultural Diversity: The intent of this objective is to promote equitable methods of racial and ethnic inclusion in staff, board, volunteer, and subcontractor recruitment for arts organizations. The Toledo arts organizations hope to achieve racial and ethnic inclusion in their hiring practices, marketing strategies, and programming. Information on event and program participation opportunities will be posted at libraries, churches, community centers and cultural festivals.

Objective #4 – Arts and Culture in Urban Planning and Development: The Toledo Strategic Plan for Arts and Culture will enliven neighborhood gateways with art by creating a livability map showing MetroParks, arts and cultural venues, bike paths, restaurants, and other amenities in the eight (8) focus neighborhoods. The map will be an amendment to the Plan Commission's Toledo 20/20 Comprehensive Plan as a way to integrate art into plans, policies, and projects of all housing, economic development and planning bodies. The Toledo area arts organizations of the targeted neighborhoods will advocate for the growth of arts and culture districts through business and tax incentives.

STAFF ANALYSIS (cont'd)

Objective #5 – Capacity and Stability: The Toledo Strategic Plan for Arts and Culture will assess the capacity to identify needs and develop responses regarding leadership development, and professional development. The Toledo area arts organizations will work to build organizational systems and infrastructure that will stabilize the arts sector through the development of entrepreneurial and business skills training for artists. By identifying gaps and barriers in arts services, the community based actions plan(s) will be able to connect artists and promoters to audiences and support struggling art venues.

Objective #6 – Arts and Culture in Neighborhoods: The Toledo area arts organization and artists will partner with community organizations to use art to reduce or eliminate blight, improve community safety and increase opportunities for artist residencies in the neighborhoods. The Toledo Strategic Plan for Arts and Culture intends to create a high density of artists near arts centers and theaters by facilitating opportunities for artist housing, including homeownership, short-term, and seasonal housing solutions that support the goals of the artist. The neighborhoods will involve the arts and artists in community planning to reactivate vacant space such as storefronts and other unused buildings, with participation open to the Toledo area students and other groups.

Objective #7 – Funding: The Toledo Strategic Plan for Arts and Culture will investigate what inspires and drives Toledo funders and donors support. A feasibility study will be conducted to determine a public funding mechanism for the arts and to identify a funding source to provide grants to individual artists. A sustainable funding source for the arts to stabilize existing programs and support the creation of new work will be developed and managed to ensure the donations are more impactful.

Objective #8 – Collaboration: Arts and cultural organizations will be educated about each other's programs and services to maximize impact, reach and funding viability. Collaboration opportunities between groups and organizations will be investigated and a determination of how to incentivize collaborations will be made. Methods for arts and culture organizations to share space, marketing, resources and staff will be explored and implemented.

Objective #9 – Cultural Tourism, Heritage, Anchor Events and Public Art: Art and cultural experiences that celebrate Toledo's geographic positing and heritage will increase internal and external tourism. Exhibits in the visual, performing, and literary arts are intended for public spaces in Toledo, thereby enhancing its neighborhoods. The Strategic Plan for Arts and Culture will implement more placed-based projects featuring history, churches, architectural tours, and Toledo heritage. Engagement of the community will be achieved by clustering arts and culture activities with other major events and develop a shared marketing campaign.

STAFF ANALYSIS (cont'd)

Objective #10 – Downtown and Maumee River: Downtown Toledo and the Maumee Riverfront will be a vibrant and cohesive arts and cultural center. The Strategic Plan for Arts and Culture will integrate more arts and culture into Downtown and Riverfront events to enhance pedestrian activities and promote broader participation of patrons. The development of a way finding system to art exhibits and pedestrian / bike access around and bridging the Maumee River are intended as a way to use Downtown and waterfront space.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve M-4-15, a request for approval of the 2015 Strategic Plan for Arts and Culture, for the following one (1) reason:

1. The proposed plan is in conformance with the Toledo 20/20 Comprehensive Plan and supports many of the visions and recommendations of the Plan.

TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION
REF: M-4-15
DATE: May 14, 2015
TIME: 2:00 P.M.

CITY COUNCIL PLANNING
AND ZONING COMMITTEE
DATE: June 17, 2015
TIME: 4:00 p.m.

GP/jj

GENERAL INFORMATION

Subject

- Request - Special Use Permit for the expansion of an existing convenience store
- Location - 5255 Hill Avenue
- Applicant - Ali Kassem
5255 Hill Avenue
Toledo, OH 43615
- Engineer - Benchmark Engineering Group, Inc.
Timothy J. O'Brien
3161 Republic Boulevard
Toledo, OH 43615

Site Description

- Zoning - CR Regional Commercial
- Area - ±0.98 acres
- Frontage - ±158' along Hill Avenue
- Frontage - ±271' along Hillwyck Street
- Existing Use - Retail Strip Mall
- Proposed Use - Convenience Store Expansion

Area Description

- North - Credit Union / CO
- South - Commercial Building / CR
- East - Shopping Plaza / CR
- West - Apartment Complex / RD6

Parcel History

- SUP-12030-94 - Request for a Special Use Permit for an adult entertainment facility, disapproved by Plan Commission on 5/11/95, disapproved by Planning and Zoning 5/24/95.

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning Code
Toledo 20/20 Comprehensive Plan.

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for the expansion of an existing legal nonconforming convenience store located at 5255 Hill Avenue. The site consists of a ±0.98 acre parcel that is zoned CR Regional Commercial. The site is occupied by a multi-tenant commercial building that houses a convenience store, a restaurant, barber shop, pet grooming services, and a church. The applicant has submitted a signed lease agreement between Dominguez Properties, LTD (lessor) and Prospect of Hill, LLC (lessee). Pursuant to TMC§1111.0708 – *Special Uses*, an increase in cumulative floor area by more than 10% requires a Special Use Permit in accordance with the procedures of TMC Section 1111.0700.

The applicant is proposing to expand an existing convenience store to accommodate the addition of takeout restaurant services. The convenience store occupies the northernmost rental space of the building and a takeout restaurant is adjacent to the south. The applicant's intent is to remove the wall that separates the two uses and operate in conjunction with each other. The existing convenience store is approximately 1,955 square feet. The acquisition of the existing takeout restaurant will add approximately 1,965 square feet, roughly doubling the space. Additionally, a change of use in a multi-tenant building without any additional site improvements would not be subject to full development standards, but must demonstrate that adequate parking is available.

Parking and Circulation

Pursuant to TMC§1107.0304 Parking, Loading, and Access – Schedule A, food and beverage retail sales are required to adhere to the parking standards of TMC§1107.0400 – Off-Street Parking Schedule “B”. This type of land use is required to have (1) one parking space for every three-hundred (300) square feet of floor area. Together the two establishments will occupy ±3,920 square feet of the commercial building. Calculations conclude that a total of thirteen (13) parking spaces and two (2) bicycle slots are required for the proposed development. A total of one (1) of these parking spaces is required to be dedicated to handicap parking.

The remainder of the building is occupied by ±6,414 square feet of general retail rental space. Pursuant to TMC§1107.0304 Parking, Loading, and Access – Schedule A, general retail sales are required to adhere to the parking standards of TMC§1107.0400 – Off-Street Parking Schedule “B”. This type of land use is required to have (1) one parking space for every three-hundred (300) square feet of floor area. Calculations conclude that a total of twenty-two (22) parking spaces and three (3) bicycle slots are required for the remainder of the development. In total, thirty-five (35) parking spaces and five (5) bicycle slots are needed to accommodate the entire site. The site plan submitted depicts a total of fifty-five (55) parking spaces and is in compliance with parking requirements.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Regional Commercial land uses. The current zoning designation for the site is CR Regional Commercial. The intent of the CR Regional Commercial district is to accommodate auto-oriented commercial development in areas already built in this manner and to accommodate community and regional-oriented commercial uses. The proposed development conforms to the current zoning of the site and meets the stated purpose of the zoning code.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of SUP-3001-15, a request for a Special Use Permit to expand an existing convenience store located at 5255 Hill Avenue, to the Toledo City Council, for the following two (2) reasons:

1. The proposed use conforms with the current zoning of the site; and
2. The proposed use meets the stated intent of the zoning code (TMC§1111.0706.A).

The staff further recommends that the Toledo City Plan Commission approve SUP-3001-15, a Special Use Permit to expand an existing convenience store located at 5255 Hill Avenue, to the Toledo City Council, subject to the following eight (8) conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Transportation

1. Dimensions, including the scale, dimensions of the access drives, drive aisles, and parking spaces are illegible on the site plan. A site plan clearly indicating these dimensions shall be submitted for review.

Plan Commission

2. Bicycle parking spaces required by TMC Section 1107.0304 shall be provided as calculated.
3. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks.

STAFF RECOMMENDATION (cont'd)

Plan Commission (cont'd)

4. The hours of operation of a convenience store may be limited to 5:30am to 1:00am, or other hours consistent with a liquor permit issued by the State of Ohio, as a condition of development approval. Particular attention will be given to convenience stores located adjacent to any residential district, school, place of assembly, park, or playground (TMC§1104.0601).
5. The Special Use Permit granted for a convenience shall be subject to review on an annual basis and may be amended or revoked by action of City Council in consultation with the Plan Commission if said convenience store is determined to have significant negative secondary effects that have not been sufficiently alleviated under zoning, building, or health code regulations. Negative secondary effects are defined in TMC§1104.0602.
6. Minor adjustments to the site plan that do not violate the above conditions or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
7. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.
8. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.

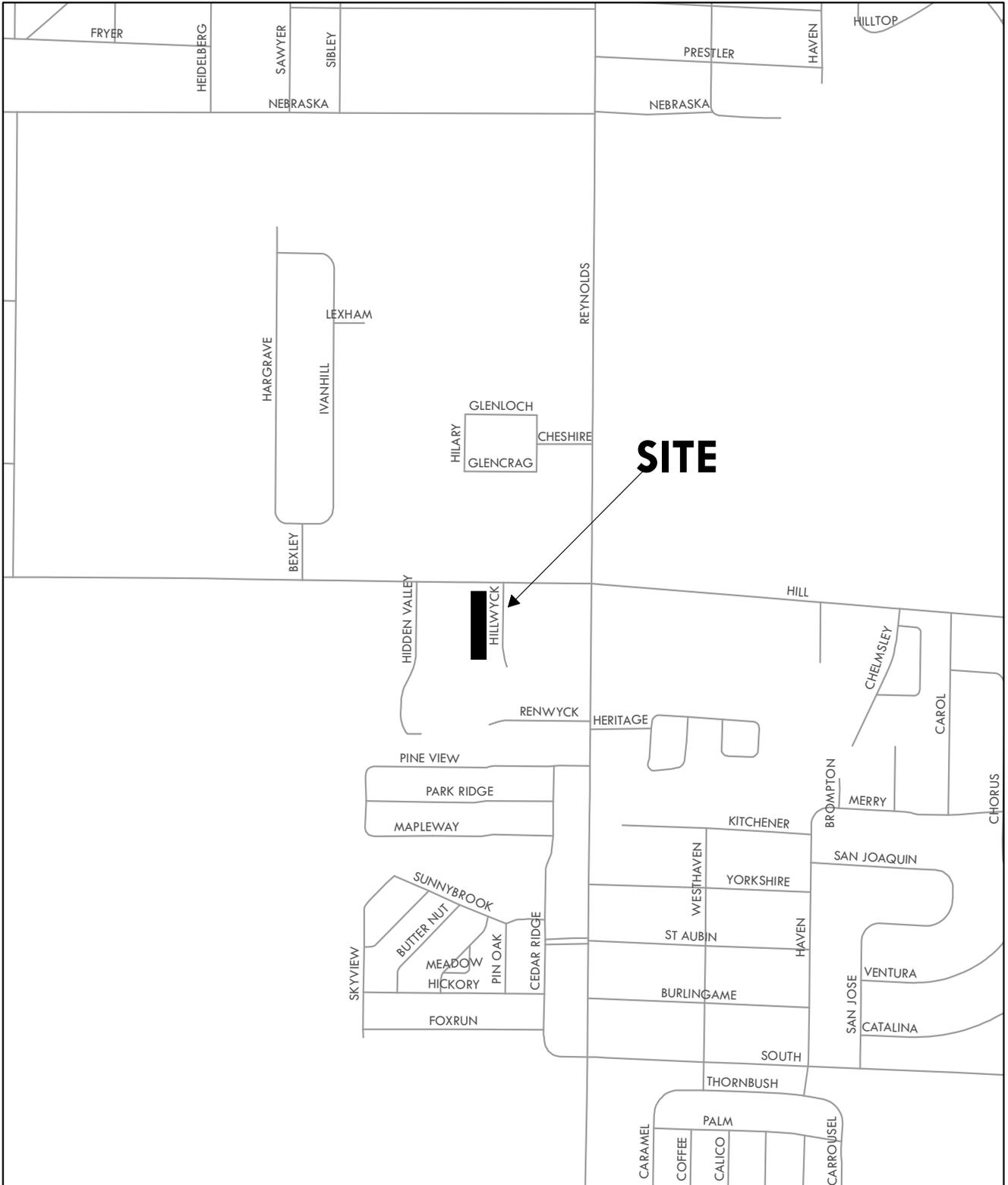
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-3001-15
DATE: May 14, 2015
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: June 17, 2015
TIME: 4:00 P.M.

GP/jj
Three (3) sketches follow

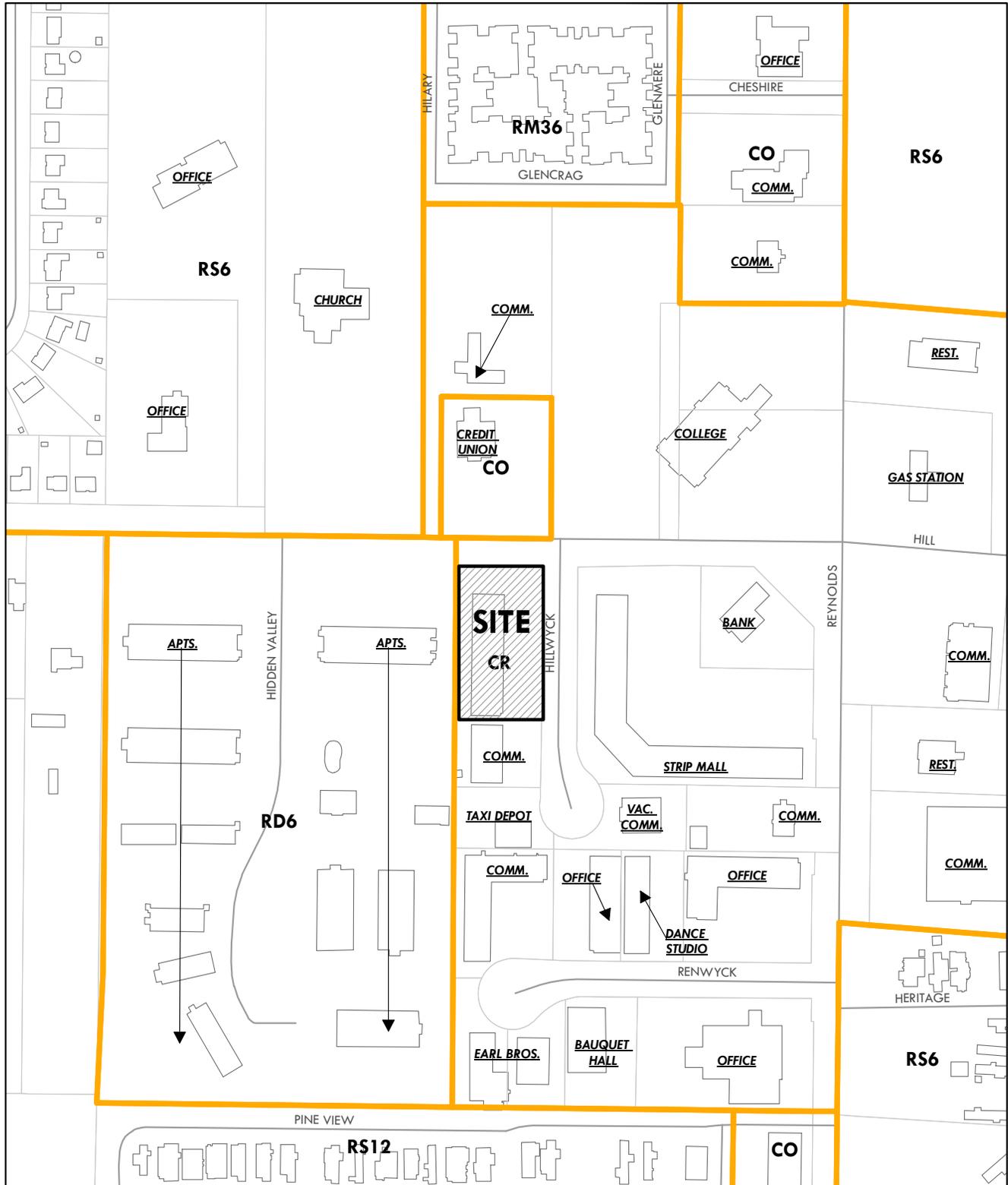
GENERAL LOCATION

SUP-3001-15
ID 120



ZONING & LAND USE

SUP-3001-15
ID 120



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GENERAL INFORMATION

Subject

- Request - Vacation of a portion of Manley Road Right-of-Way, South of Garden Road.
- Applicant - Rodney R. Culler
3141 Manley Road
Maumee, OH 43537
- Engineer - Feller, Finch & Associates
1683 Woodlands Dr
Maumee, OH 43537

Site Description

- Zoning - CO Office Commercial and CN Neighborhood Commercial
- Area - ± 0.657 acres
- Existing Use - Vacant
- Proposed Use - No proposed use at this time.

Area Description

- North - Commercial, Church/School and Residential Uses / CN & RS12
- South - Commercial Uses / CN
- East - Commercial Uses / CN
- West - Vet Clinic & Commercial Uses / CO

Parcel History

No Parcel History on File.

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

This is a request to vacate a portion of the Manley Road Right-of-Way, South of Garden Road. The applicant is requesting the Vacation in order to incorporate the right-of-way into the contiguous retail center property that he owns. The applicant has indicated that he currently maintains the property and would prefer to own it for liability reasons.

The unimproved subject right-of-way is triangular in shape and is bounded by Manley Road to the west, Garden Road to the north and the applicant's commercial property to the east. The area to be vacated is approximately .657 acres in size. The Division of Public Utilities asked for the northernmost section of right-of-way be retained, as a City of Toledo lift station exists in the area. The applicant has worked with the Division of Transportation and the Division of Public Utilities to revise the legal description to accommodate this request.

The Division of Engineering Service, Streets Bridges and Harbor and Toledo Edison have expressed concerns with the proposed Vacation. Water, storm sewer and sanitary sewer lines, as well as Toledo Edison power poles and other equipment exist in the subject right-of-way. These agencies have requested that if the Vacation is approved, easements are granted to allow for construction and maintenance purposes. In addition, the recorded plat indicates a thirty (30) foot private place access easement exists in the southern area of the Vacation where the subject right-of-way abuts a residential development. Staff is requesting this easement be extended to ensure access from the residential development be maintained onto Manley Road.

The Toledo 20/20 Comprehensive Plan does not provide a designation for this site. However, the right-of-way in question is located between an Office Commercial designation to the west and Neighborhood Commercial designation to the east. If vacated, the property will be combined with contiguous property designated as Neighborhood Commercial. The Neighborhood Commercial district was established and intended for predominantly small and medium scale commercial uses that serve neighborhoods. Based on the nature of the proposed use and its location, the proposal is in compliance with both plans.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of V-544-14, the request to vacate a portion of Manley Road Right-of-Way, South of Garden Road to Toledo City Council for the following two (2) reasons:

1. The vacated area will be incorporated into the future development design; and
2. The proposed Vacation conforms to the Toledo 20/20 Comprehensive Plan.

The staff recommends that the Toledo City Plan Commission recommend approval of V-544-14, the request to vacate a portion of Manley Road Right-of-Way, South of Garden Road to Toledo City Council, subject to the following six (6) conditions:

STAFF RECOMMENDATION (cont'd)

The following conditions as listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Division of Engineering Services

1. Easement will be required for the area to be vacated. The following language shall be recorded and a notation placed in the remarks section of the County's real estate records:

“That a full width utility easement is hereby dedicated to the City of Toledo for public (sewer/water/drainage) facilities. The easement shall be primary in nature to any other easements located therein, and any easement retained by any other entity shall be subject first to the easement rights of the City of Toledo. Said easement herein shall be permanent in nature for each utility facility currently located thereon and shall run with the land. Said easement also includes reasonable rights of ingress and egress over and through the utility easement area for the purpose of operating, maintaining, replacing, repairing and/or constructing any utility facilities located within the easement. The property owner shall not construct fences, walls or other barriers, which would impede access onto the easement. No temporary or permanent structures, including building foundations, roof overhangs or other barriers denying access, may be constructed on or within the easement. Driveways, parking lots, walkways and other similar improvements are acceptable. The property owner hereby releases the City of Toledo, only, from any liability, responsibility or costs resulting from the City's removal of any barriers which deny ingress or egress from the easement or which obstruct access to the public utilities located on said property, and the City of Toledo shall have no obligation or duty to restore or compensate the property owner for the removed facilities.”

Fire Prevention

No objection to Vacation.

Building Inspection

No objection to Vacation.

Division of Transportation

No objection to Vacation.

Sewer & Drainage Services

2. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.

STAFF RECOMMENDATION (cont'd)

Sewer & Drainage Services (cont'd)

3. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.
4. S&DS REQUIRES, for operation and maintenance purposes, 20 foot wide sewer and drain easements (centered on the pipe), for City use, shall be retained along the existing sewers and drains located within the Vacation. City access to the vacated area shall not be denied by fences, walls, material stock piles, or other barriers (of any type). The easement shall state that no temporary or permanent structure (excluding parking lot pavement), including barriers denying access, may be constructed within the easement area. Paved areas within the Vacation shall remain paved.

Division of Streets, Bridges and Harbor

No objection to Vacation.

Toledo Edison

5. Toledo Edison has active poles with overhead equipment within the proposed portion to vacate along Manley & Perrysburg-Holland Roads. Toledo Edison will need access to these facilities which serve adjacent customers.

Tarta

No objection to Vacation.

Planning Commission

6. The "Private Place Access Easement", as recorded in Amended Plat of High Point Plaza, shall be extended across the area to be vacated.

REF: V-544-14. . .May 14, 2015

RIGHT-OF-WAY VACATION
TOLEDO CITY PLAN COMMISSION

REF: V-544-14

DATE: May 14, 2015

TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE

DATE: June 17, 2015

TIME: 4:00 P.M.

BH/jj

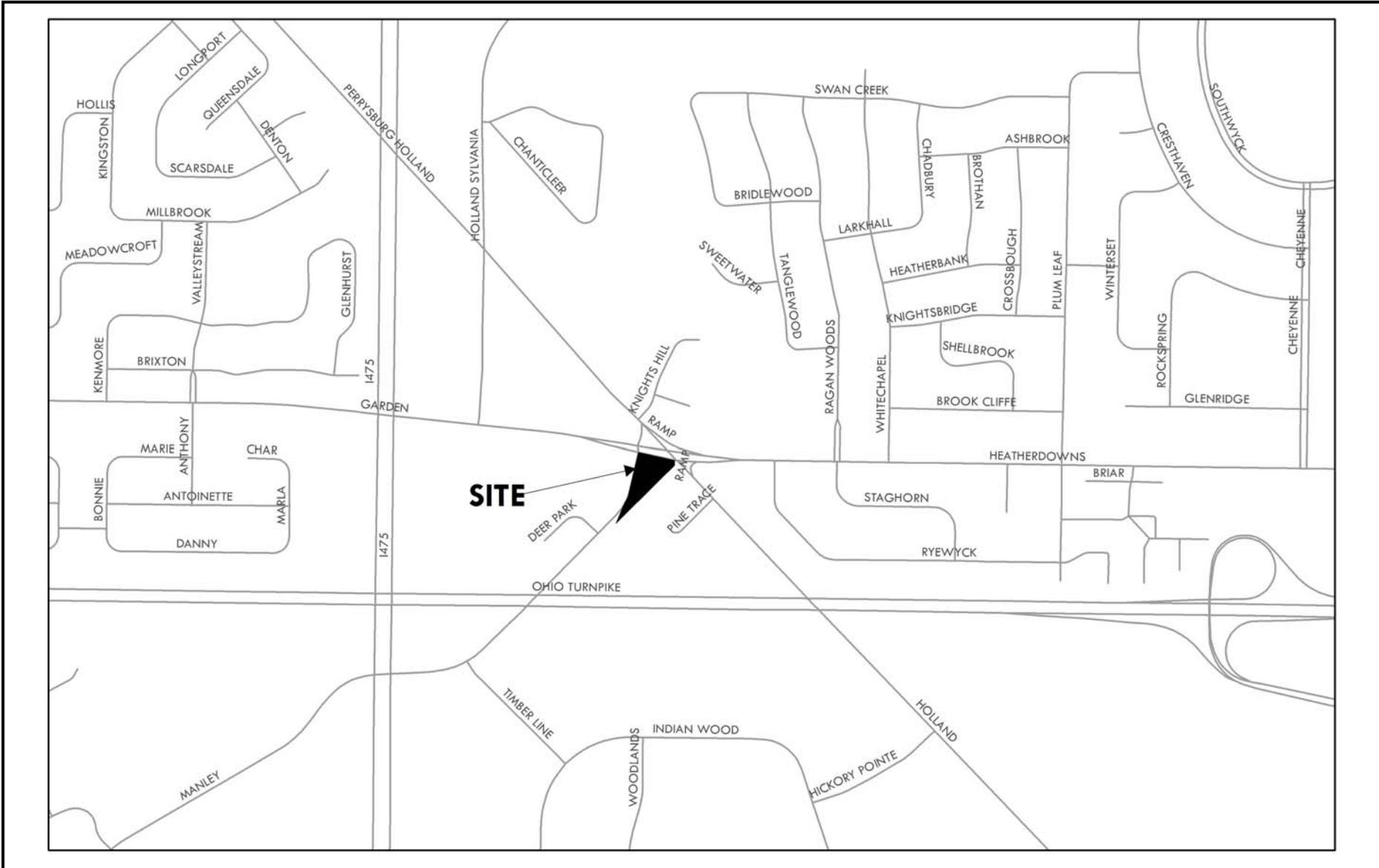
Three (3) sketches follow

GENERAL LOCATION

V-544-14
ID 232

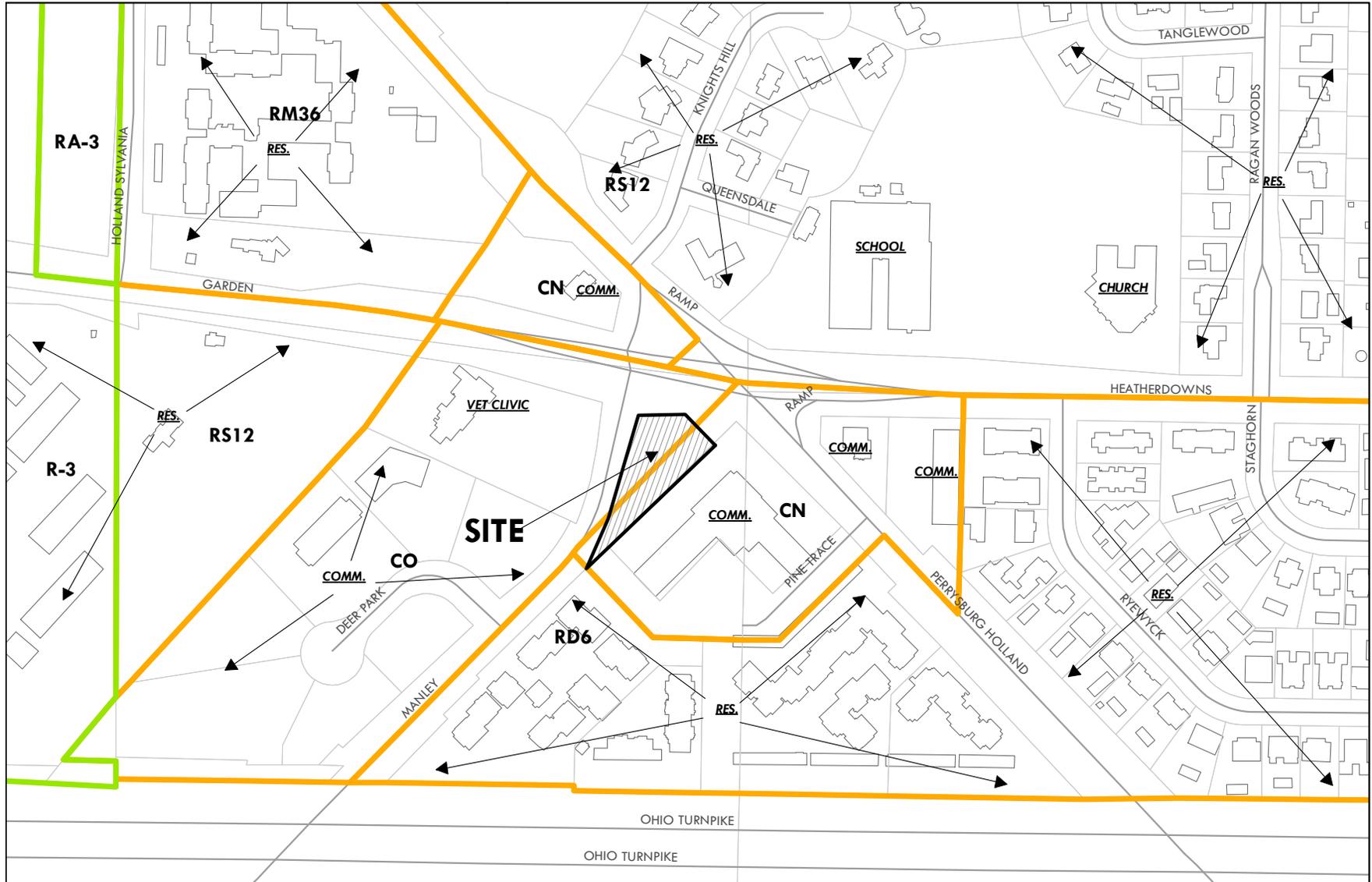


3 - 6



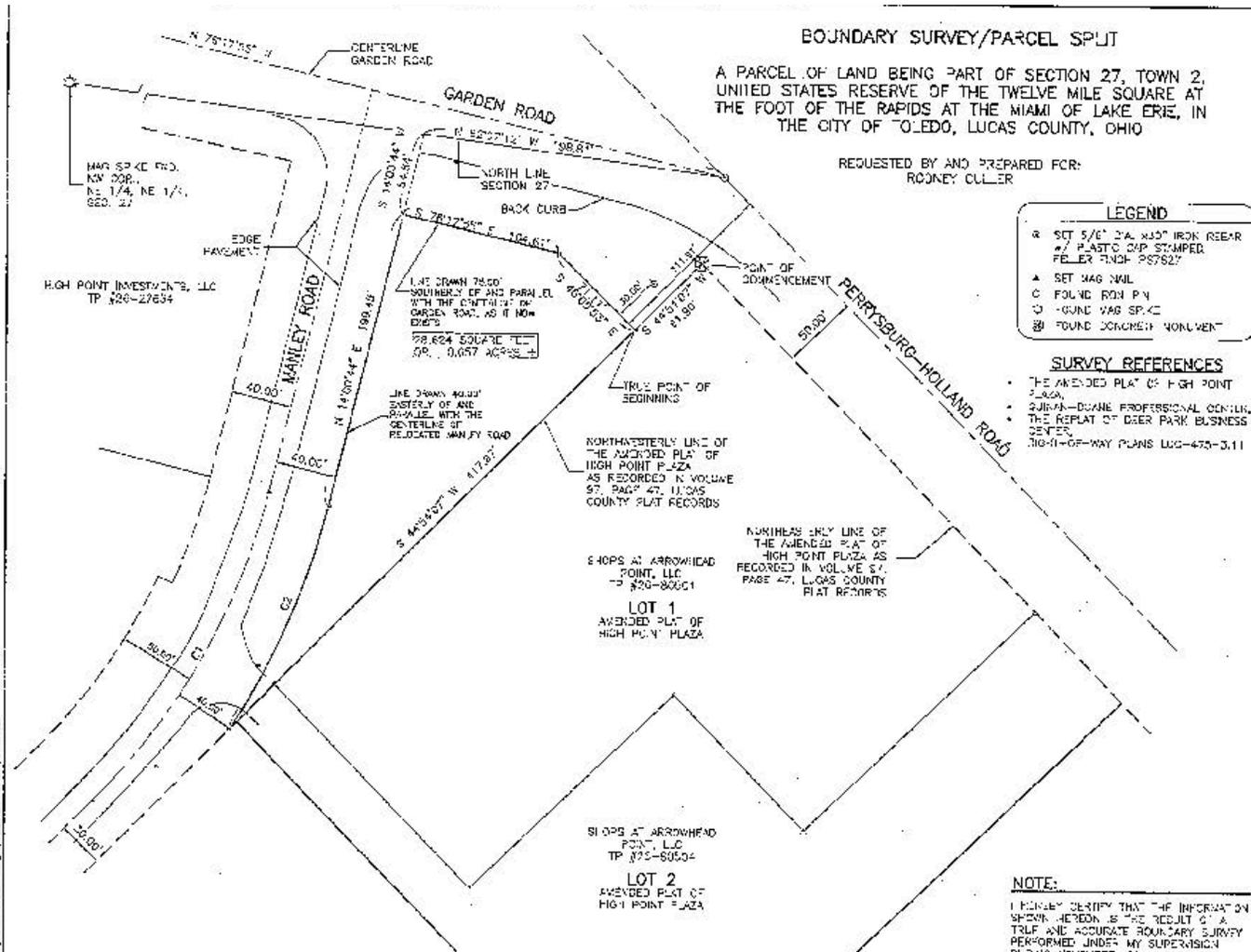
ZONING & LAND USE

V-544-14
ID 232



SITE PLAN

V-544-14
ID 232



CURVE	BEARINGS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	CHORD BEARING	CHORD BEARING
C1	440.00'	227.01'	236.75'	S 23°22'29" E	375.73'	217.77'
C2	480.74'	103.92'	162.29'	S 23°28'13" E	141.29'	6.24'

NOTE:
I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS THE RESULT OF A TRUE AND ACCURATE BOUNDARY SURVEY PERFORMED UNDER MY SUPERVISION DURING NOVEMBER 2011.

THE BEARINGS USED HEREON ARE BASED ON AN ASSUMED MERIDIAN AND ARE FOR THE EXPRESS PURPOSE OF CALCULATING ANGLE OF MEASUREMENT.

BOUNDARY SURVEY

STATE OF OHIO
PLAT NO. V-544-14
ID 232

11-2-14

10-0762/PBC04

SHEET 1 OF 1

GENERAL INFORMATION

Subject

- Request - Zone Change from IL Limited Industrial to CD
Downtown Commercial
- Location - 13 N. Michigan Street
- Applicant - Construx Properties LLC
Jeff Kimble
15 N Michigan Street
Toledo, OH 43604
- Architect - Coger/Shambarger
Mark Shambarger
3550 Secor Road, Suite 100
Toledo, OH 43606-1539

Site Description

- Zoning - IL Limited Industrial District
- Area - ± 0.082 acres
- Frontage - ± 35' on Michigan Street
- Existing Use - Parking
- Proposed use - Accessory Residential Garage

Area Description

- North - Mixed Commercial/Residential and Industrial / CD &
IL
- East - Residential / CD
- South - Mixed Commercial/Residential / IL
- West - Theater and Parking / IL

Parcel History

- T-9-10 - Lot Split from Lot 553 Port Lawrence Division
(Approved 3/23/10)

GENERAL INFORMATION (cont'd)

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
2011 Toledo Downtown Plan
2012 Toledo Warehouse District Plan

STAFF ANALYSIS

The applicant is requesting a Zone Change from IL Limited Industrial to CD Downtown Commercial for a site located at 13 N. Michigan Street. The .082-acre site is currently being used as off-street parking. The site is currently zoned IL Limited Industrial and is located in the Warehouse and Downtown Overlay Districts.

The applicant is requesting the Zone Change to facilitate the construction of an accessory residential garage. The garage will service the second story residential uses located on the contiguous property to the north. A Downtown Overlay District and a Toledo Warehouse District ARC review will be required before construction can begin.

Surrounding land uses include the applicant's commercial/residential building (which the future residential garage is anticipated to serve) and Morgan Laundry Services to the north, residential townhomes and the City of Toledo Fire Station #5 to thee, the Toledo Repertoire Theatre and parking to the west and mixed commercial/residential uses to the south.

The Toledo 20/20 Comprehensive Plan targets this area for Downtown Commercial uses. The 2012 Toledo Warehouse District Plan encourages existing vacant buildings to be retrofitted into residential dwelling units. As a result, the Zone Change will aid in the construction of a proposed accessory garage for residential uses and meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 Review and Decision-making Criteria, the Downtown Commercial and Urban Village Designations and the Warehouse District Plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission approve Z-3009-15, a Zone Change from IL Limited Industrial to CD Downtown Commercial for the property located at 13 N. Michigan Street for the following three (3) reasons:

1. The request is consistent with the vision of the 2012 Toledo Warehouse District plan.
2. The request is consistent with the adopted 20/20 Comprehensive Land Use Plan and will support the goal of the Neighborhood Commercial District in this area. (TMC1111.0606.A Review & Decision-Making Criteria).
3. The proposed Zone Change is consistent with the zoning classification of properties within the general vicinity of the site (TMC §1111.0606.C Review & Decision-Making Criteria).

REF: Z-3009-15. . .May 14, 2015

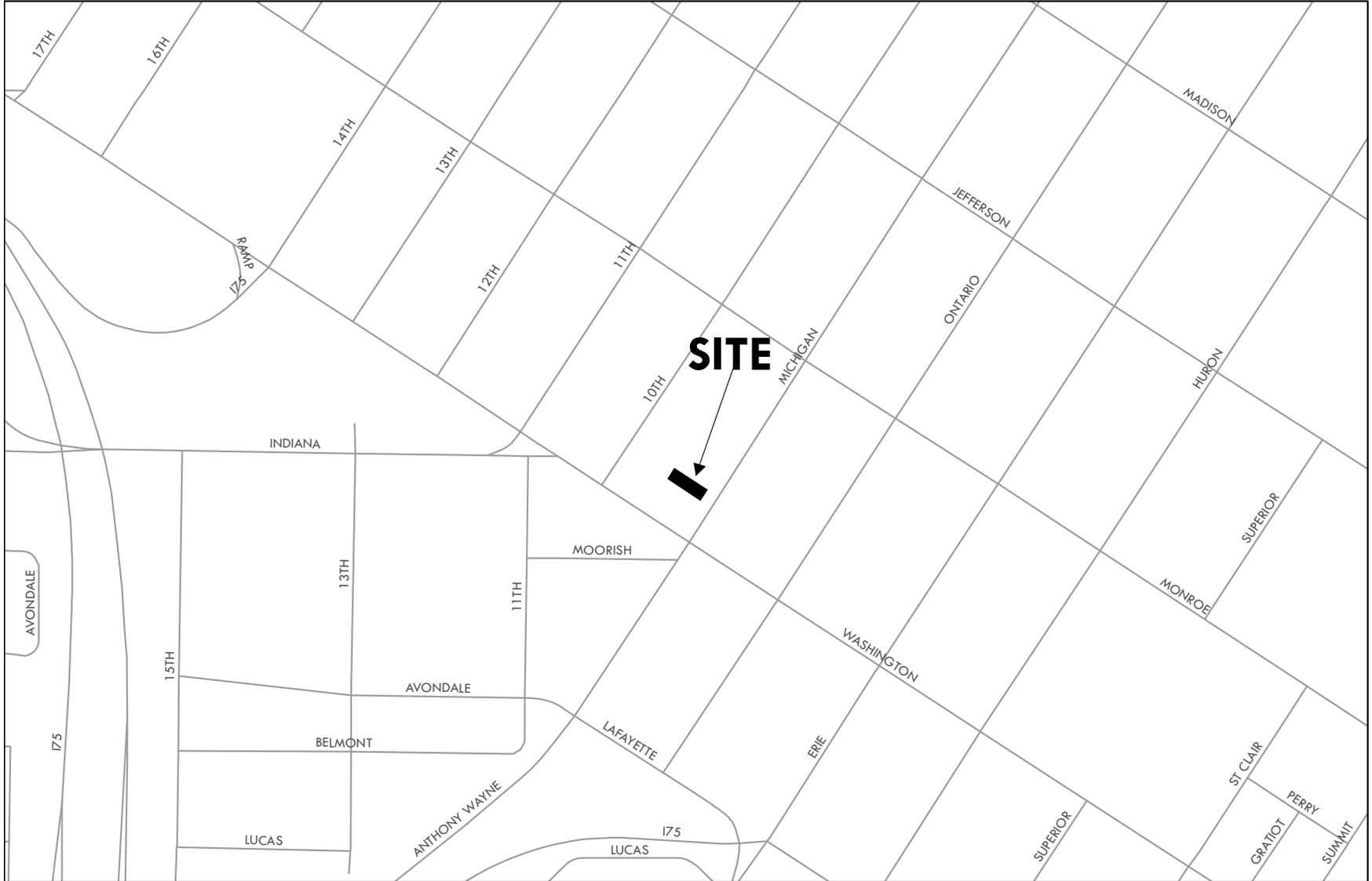
ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z-3009-15
DATE: May 14, 2015
TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: June 17, 2015
TIME: 4:00 P.M.

BH/jj
Two (2) sketches follow

GENERAL LOCATION

Z-3009-15
ID 10



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GENERAL INFORMATION

Subject

- Request - Zone Change from CO Office Commercial to CN Neighborhood Commercial
- Location - 1457 & 1509 Dorr Street and 1508 & 1510 Woodland Avenue
- Applicant - David Kitzmiller
Ninety Nine 90, LLC
1401 Vine Street
Cincinnati, OH 45202
- Consultant - Ashley Combs
Morning Star Partners, LLC
1401 Vine Street
Cincinnati, OH 45202

Site Description

- Zoning - CO Office Commercial
- Area - ± 1.177 acres
- Existing Use - Former St. Teresa Church
- Proposed use - Family Dollar Retail Store

Area Description

- North - Single Dwelling Residential / RD6
- East - Commercial / CO
- South - Single Dwelling Residential / RS6
- West - Post Office & Single Dwelling Residential / CR & RS6

Parcel History

- M-11-87 - Review of Tri-Street Block Club Neighborhood Plan (PC approved 2/4/88, Ord. 169-88, 2/23/88).
- Z-273-87 - Request for a Zone Change from C-3 & R-3 to C-2 (PC approved 2/4/88, Ord. 172-88, 2/23/88).

GENERAL INFORMATION (cont'd)

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan
Dorr Street Vision Plan

STAFF ANALYSIS

The request is for a Zone Change from CO Office Commercial to CN Neighborhood Commercial for a site at 1457 & 1509 Dorr Street and 1508 & 1510 Woodland Avenue. The 1.177 acre site is located on the southeast corner of Dorr Street and Smead Avenue. The applicant is requesting the Zone Change to permit the construction of 8,320 square foot Family Dollar store. A Minor Site Plan review and Lot Split application are anticipated in the future.

Surrounding land uses include residential uses to the north, a commercial building and residential uses to the east, residential uses to the south and a post office and residential uses to the west.

Pursuant to TMC §1102.06, the CN zoning district is generally intended to accommodate pedestrian oriented small-scale retail and service businesses that serve nearby residential areas. In addition, the Dorr Street Vision plan stresses a pedestrian friendly street design with buildings close to the street and hidden parking areas. Based on the existing uses in the immediate area, it is anticipated that an 8,320 square foot general retail store would be an appropriate use in this area. The CN Zoning will require the developer to orient the future building close to the right-of-way to ensure a pedestrian corridor along Dorr Street and Smead Avenue.

The Toledo 20/20 Comprehensive Plan and the Dorr Street Vision Plan target this site for Neighborhood Commercial uses. Based on the nature of the proposed use and its location, the proposal is in compliance with both plans. As a result, the proposal meets the purpose and all applicable provisions of the zoning code as outlined in TMC 1111.0706 Review and Decision-making Criteria.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of Z-3004-15, a Zone Change from CO to CN for the site at 1457 & 1509 Dorr Street and 1508 & 1510 Woodland Avenue to Toledo City Council for the following three (3) reasons

1. The request is consistent with the goals and objectives of the Dorr Street Vision Plan.
2. The request is consistent with the adopted 20/20 Comprehensive Land Use Plan and will support the goal of the Neighborhood Commercial District in this area. (TMC1111.0606.A Review & Decision-Making Criteria).

STAFF RECOMMENDATION (cont'd)

3. The proposed zoning will facilitate land uses that are compatible with the land uses within the general vicinity of the subject property (TMC 1111.0606.B Review & Decision-Making Criteria).

ZONE CHANGE REQUEST
TOLEDO CITY PLAN COMMISSION
REF: Z-3004-15
DATE: May 14, 2015
TIME: 2:00 P.M.

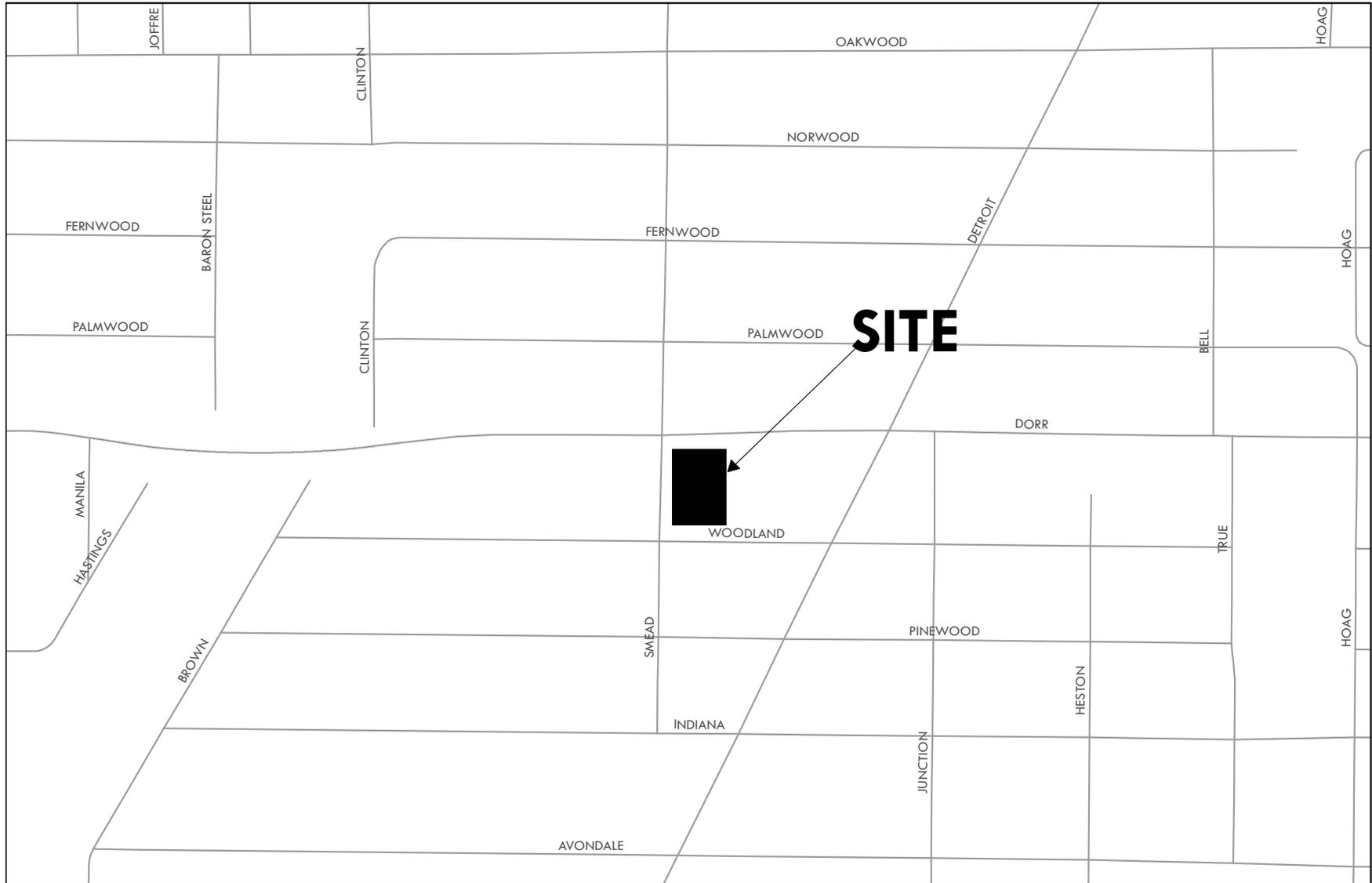
TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE
DATE: June 17, 2015
TIME: 4:00 P.M.

BH/jj

Two (2) sketches follow

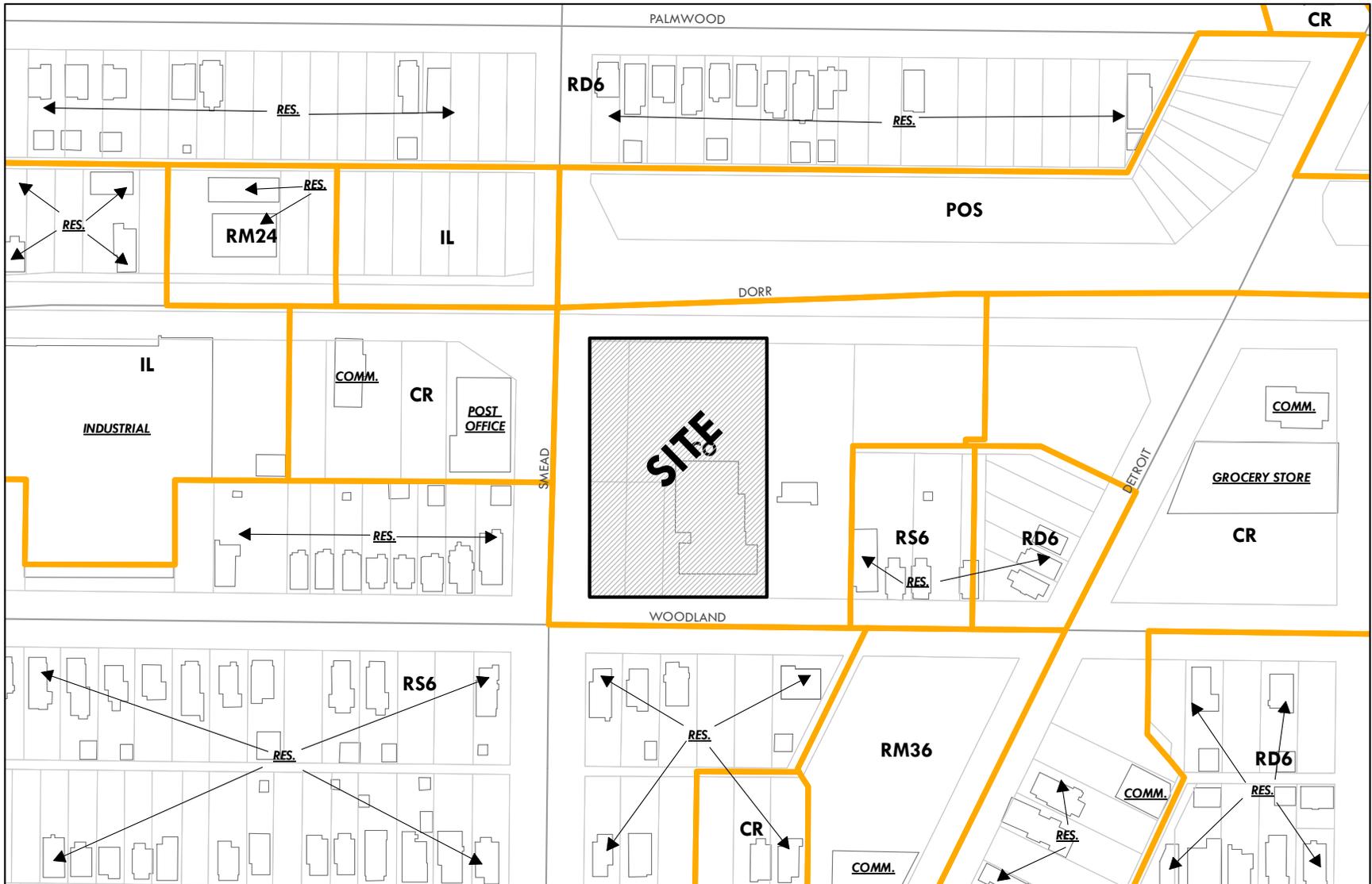
GENERAL LOCATION

Z-3004-15
ID 19



ZONING & LAND USE

Z-3004-15
ID 19



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GENERAL INFORMATION

Subject

- Request - Zone Change from RS9 Single Dwelling Residential to CR Regional Commercial
- Location - 3835 Secor Road
- Applicant - Alan McLaughlin
The Kroger Company
4111 Executive Parkway
Westerville, OH 43081
- Engineer - Andrew A. Gardner
Bird & Bull Engineers and Surveyors
2875 W Dublin-Granville Road
Columbus, OH 43235
- Architect - CR Architecture & Design
600 Vine Street, Suite 2210
Cincinnati, OH 45202

Site Description

- Zoning - RS9 Single Dwelling Residential
- Area - ± 18.714 Acres
- Frontage - ± 940' along Secor Road
± 720' along Monroe Street
- Existing Use - Sisters of Notre Dame Campus
- Proposed Use - Kroger Grocery Store with Four (4) Out Lots

Area Description

- North - Daycare and Commercial Uses / RS9 & CR
- South - I-475 & Self Storage / RS9 & IP
- East - Commercial / CR
- West - Notre Dame High School & Offices / RS9 & CO

Parcel History

- Z-141-63 - Establishment of Permanent Zoning to R-1 Single Dwelling Residential (PC approved 8/29/63, Ord 719-63, 10/14/63)

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- PL-4-04 - Parking Lot Review for revisions to the existing lot (Administratively approved 7/7/04)
- SPR-10-15 - Major Site Plan Review for a New Commercial Development (Companion Case)

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Zone Change from RS9 Single Dwelling Residential to CR Regional Commercial for a site located at 3835 Secor Road. The 18.714-acre site is located at the southwest corner of Secor Road, Monroe Street and Sylvania Avenue. The applicant is requesting the Zone Change to facilitate the development of a new 123,455 square foot Kroger Marketplace and four (4) out lots. A companion Major Site Plan Review accompanies this case. A block watch neighborhood meeting was held on March 19, 2015 and a surrounding property owner neighborhood meeting is scheduled for May 7, 2015.

Surrounding land uses includes a daycare, a Kroger Fuel Station and commercial retail uses to the north, commercial uses including the existing Kroger Store to the east, Interstate I-475 to the south and Notre Dame Academy and office uses to the west.

Staff recommends disapproval of the Zone Change request for several reasons. First, the Toledo 20/20 Comprehensive Plan targets this area for Institutional Campus uses. The 20/20 Plan is a written and graphic document that serves as a guide for community growth. It provides the basis for policies and regulations affecting growth and establishes a framework for long range planning. The intent of the Institutional Campus future land use designation is to accommodate large institutional use in campus-like settings, such as hospitals, schools and colleges. It is also used to recognize distinct areas in Toledo such as “church row” along Collingwood Boulevard. The park-like residential setting is a unique feature surrounded by commercial development and should be preserved. The redevelopment of this site, from its current “park-like residential setting”, into a large scale commercial development with multiple outparcels is not consistent with the 20/20 Plan.

STAFF ANALYSIS (cont'd)

Second, the surrounding area, along Sylvania Avenue, is dominated by low-intensity land uses including a high school, an elementary school, churches, a daycare and office uses. The introduction of a zoning category such as the proposed CR Regional Commercial zoning on the south side of Sylvania Road (west of Monroe Street) would facilitate higher intensity land uses that would alter the character of the area. Currently, no Regional Commercial zoning exists on the south side of Sylvania Avenue between Monroe Street and Talmadge Road. The intensity of the proposed development and the physical characteristics of the site plan are not compatible with the character of the area. As a result, the proposed CR Regional Commercial zoning will be out of character with and detrimental to the nearby uses.

Third, over the past decade several large scale retail developments have occurred within the general vicinity of the proposed site and have added a substantial amount of square footage to the area. These developments have occurred on sites historically used for commercial purposes and have not resulted in a spread of commercial development. Rezoning the subject site will increase commercial acreage in the area while leaving an existing commercial site vulnerable to vacancy and blight.

Finally, promoting incompatible land uses adjacent to one another such as a large commercial complex and a high school may create potential conflicts for the future. This may result in additional requests to potentially rezone adjacent residential land.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of Z-3003-15, a Zone Change from RS9 Single Dwelling Residential to CR Regional Commercial for the site at 3835 Secor Road to Toledo City Council for the following four (4) reasons

1. The proposed Zone Change does not conform to the Toledo 20/20 Comprehensive Plan, which targets the site for Institutional Campus uses and reflects the desire to preserve a distinct area in Toledo.
2. The proposed Zone Change is out of character with the surrounding zoning and uses (TMC §1111.0606.C Review & Decision-Making Criteria).
3. The introduction of CR Regional Commercial zoning will facilitate intense land uses that are out of character with the nearby area.
4. The Zone Change will increase commercial acreage in an area that has seen substantial square footage added while leaving an existing commercial site vulnerable to vacancy and blight.

REF: Z-3003-15 . . . May 14, 2015

ZONE CHANGE REQUEST
TOLEDO CITY PLAN COMMISSION

REF: Z-3003-15

DATE: May 14, 2015

TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
ZONING AND PLANNING COMMITTEE

DATE: June 17, 2015

TIME: 4:00 P.M.

BH/jj

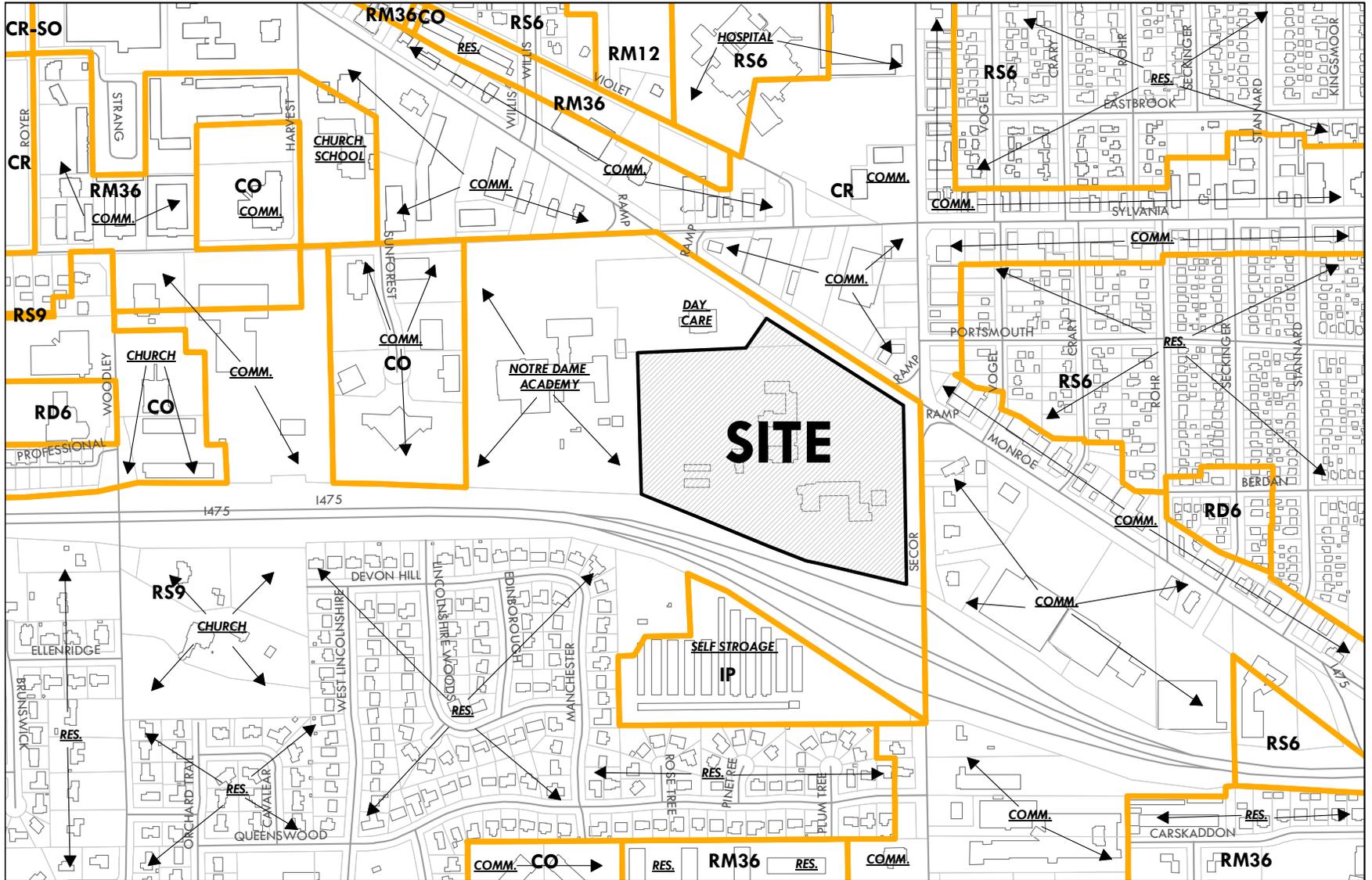
Two (2) sketches follow

ZONING & LAND USE

Z-3003-15
ID 78



9-9



REF: SPR-10-15
DATE: May 14, 2015

GENERAL INFORMATION

Subject

- Request - Major Site Plan Review for a New Commercial Development
- Location - 3835 Secor Road
- Applicant - The Kroger Company
Alan McLaughlin
4111 Executive Parkway
Westerville, OH 43081
- Engineer - Bird and Bull Engineers & Surveyors
Andrew Gardner
2875 W Dublin-Granville Rd
Columbus, OH 43235

Site Description

- Zoning - RS9 Single Dwelling Residential
- Area - ± 18.714 Acres
- Frontage - ± 940' along Secor Road
± 720' along Monroe Street
- Existing Use - Sisters of Notre Dame Campus
- Proposed Use - Kroger Grocery Store with Four (4) Out Lots
- Proposed Parking - Kroger Only - 508 Spaces
- Required Parking - 362 Automobile Spaces

Area Description

- North - Daycare and Commercial Uses / RS9 & CR
- South - I-475 & Self Storage / RS9 & IP
- East - Commercial / CR
- West - Notre Dame High School & Offices / RS9 & CO

Parcel History

- Z-141-63 - Establishment of Permanent Zoning to R-1 Single Dwelling Residential (PC Approved 8/29/63, Ord 719-63, 10/14/63)

GENERAL INFORMATION (cont'd)

Parcel History (cont'd)

- | | | |
|-----------|---|---|
| PL-4-04 | - | Parking Lot Review for Revisions to the Existing Lot (Administratively Approved 7/7/04) |
| Z-3003-15 | - | Request for Zone Change from RS9 Single Dwelling Residential to CR Regional Commercial (Companion Case) |

Applicable Plans and Regulations

Toledo Municipal Code Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Major Site Plan review for a new 123,455 square foot Kroger Marketplace located at 3835 Secor Road. The 18.714-acre site is located on the southwest corner of Secor Road, Monroe Street and Sylvania Avenue. A companion Zone Change application accompanies this case. A block watch neighborhood meeting was held on March 19, 2015 and a surrounding property owner neighborhood meeting is scheduled for May 7, 2015.

Surrounding land uses includes a daycare, a Kroger Fuel Station and commercial retail uses to the north, commercial uses including the existing Kroger Store to the east, Interstate I-475 to the south and Notre Dame Academy and office uses to the west.

Parking and Circulation

The required parking for a new 123,455 square foot Kroger Marketplace is 363 spaces. The site plan indicates that 515 spaces will be provided. The uses for the out lots are not indicated on the site plan. Parking and access will be address on a case-by-case basis as the out lots are developed.

In addition to the required off-street parking, loading zones and bicycle parking is also required. TMC1107.1000 *Off-street Loading Schedule* - requires five (5) loading spaces be provided. A multi-bay loading area is shown on the west side of the grocery store. The elevations indicate that five (5) loading bays will be provided. The required bicycle parking is one (1) bicycle space per ten (10) automobile spaces provided, not to exceed fifty (50) spaces. As a result, the required bicycle parking is fifty (50) spaces.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

Access to the entire development, including outparcels, is proposed via two (2) curb cuts. The “main entrance” is located along Monroe Street, while the “secondary entrance” is located on Secor Road. The main entrance on Monroe Street will be a signalized intersection with multi-lanes in and multi-lanes out. The secondary entrance is designed as a right-in and right-out movement. These two (2) entrances direct traffic onto a twenty-four (24) foot wide interior site roadway. If approved, the out lots will not be permitted curb cuts directly onto Monroe Street or Secor Road. As a result, all traffic will utilize this interior access drive as the primary means of ingress/egress.

Large Scale Retail Projects

Large-scale retail projects over 50,000 square feet shall be subject to additional standards as outlined in TMC 1109.0300, including parking lot design, building design and the integration of a TARTA stop in the development. First, parking lots shall be designed to not exceed 200 spaces per field unless divided into two (2) or more sub-areas. The applicant appears to address this requirement via the incorporation of a landscape strip and pedestrian walkways. Walkways leading to the primary entrances are proposed from the Monroe Street and Secor Road public sidewalks, in the areas of the entrance drives. This pedestrian design will break-up the mass of the large parking lot.

The remaining two (2) standards, building design and transit stops, need to be taken into account. The proposed elevation does indicate recesses and projections; however these areas will need to be better defined. Finally, the applicant shall integrate a bus stop into the traffic and pedestrian circulation. The applicant will need to consult with TARTA and provide documentation to the Director of Planning.

Landscaping

A landscaping plan has been submitted for review. TMC§1108.0202 *Frontage Greenbelts* requires that sites over five (5) acres provide a thirty (30) foot frontage greenbelt. A frontage greenbelt of thirty (30) feet will be required along both the Monroe Street and Secor Road frontages, including each out lot once developed. The correct number of trees and shrubs will be required within all greenbelts. Staff is requesting that if approved, efforts should be taken to retain as much mature landscaping to maintain the “park like” setting that currently exists.

STAFF ANALYSIS (cont'd)

Landscaping (cont'd)

The interior parking lot landscaping requirement is two (2) canopy trees and six (6) shrubs for each ten (10) parking spaces within the parking lot. In addition, the applicant shall provide twenty (20) square feet of interior landscaping per parking space. Based on the landscape plan submitted the interior parking lot landscaping requirement is being met. Pursuant to TMC§1108.0406 *Irrigation/Watering*, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition and shall be required for projects of over ½ acre in site area. In addition, landscape islands are required at the end of each parking row and foundation plantings shall be incorporated into the design around the entrances.

The applicant provided a tree credit list of 252 credited trees for the 63 trees that will be retained along the I-475 property line. However, based on a successful Zone Change from RS9 to CR, a Type “A” landscape buffer would be required in this location. A Type “A” buffer of this length has a requirement of 34 trees and 167 shrubs. Based on the Type “A” buffer requirement and associated planting requirement, the tree credit will be reduced as a portion of these trees will be required to meet the Type “A” buffer yard requirement. In addition, no shrubs were indicated in the area of the Type “A” buffer. Staff is requesting that a revised landscape plan be submitted that shows a minimum of 167 shrubs in the southern Type “A” buffer and a revised tree credit plan.

Building Design

The applicant submitted elevations for consideration and review. The design primarily includes the use of brick, split-face CMU, glass and EIFS. The EIFS products shown are limited to fifteen (15) percent of any right-of-way facing façades. Staff has requested revised elevations that indicate material percentage breakdowns of all materials to be used. Based on the overall design of the site, all facades are visible from public right-of-ways and are subject to the high quality design standards as listed in TMC 1109.0501. In addition, staff is requiring the incorporation of additional windows and/or design features along the northern façade, this will aid in the varying of the mass of a large scale building.

Platting

Due to the large scale, complex nature, and need to control vehicular access, platting of this site is required pursuant to the City of Toledo Subdivision Rules and Regulations. The objectives outlined in the subdivision rules and regulations state that orderly development of land shall include safe and convenient vehicular and pedestrian circulation within, adjacent and between subdivisions. This shall be regulated through the planning, subdividing and development of land to promote and protect public health, safety, and general welfare.

STAFF ANALYSIS (cont'd)

Platting (cont'd)

A reconfiguration of both the Monroe and Secor Roadways is being proposed. The proposal widens both streets to accommodate deceleration lanes as well as signalized turn lanes at the Monroe Street and Secor Road intersection. In addition, the design of the site with multiple out lots will require access easements and utility infrastructure to be shared throughout the development. The result is a holistic design that is subject to agreements, variances and other regulation that necessitate commercial platting.

Recommendation

Staff recommends disapproval of the site plan request for several reasons. First, the Toledo 20/20 Comprehensive Plan targets this area for Institutional Campus uses. The 20/20 Plan is a written and graphic document that serves as a guide for community growth. It provides the basis for policies and regulations affecting growth and establishes a framework for long range planning. The intent of the Institutional Campus future land use designation is to accommodate large institutional use in campus-like settings, such as hospitals, schools and colleges. It is also used to recognize distinct areas in Toledo such as “church row” along Collingwood Boulevard. The park-like residential setting is a unique feature surrounded by commercial development and should be preserved. The redevelopment of this site, from its current “park-like residential setting”, into a large scale commercial development with multiple outparcels is not consistent with the 20/20 Plan.

Second, the commercial development does not comply with the approval criteria as outlined in TMC 1111.0809. The proposed use is not permitted in the current zoning district. Although the applicant has proposed a Zone Change for this site, staff is recommending denial as CR Regional Commercial zoning has been determined to be too intense and out of character with the surrounding area and uses. In addition, the applicant submitted a traffic study for review. Areas of this study indicate significant increases in traffic generation on the surrounding roadways, resulting in potential future issues with safe, efficient and convenient movements of traffic.

Third, the surrounding area, along Sylvania Avenue, is dominated by low-intensity land uses including a high school, an elementary school, churches, a daycare and office uses. The introduction of a zoning category such as the proposed CR Regional Commercial zoning on the south side of Sylvania Road (west of Monroe Street) would facilitate higher intensity land uses that would alter the character of the area. Currently, no Regional Commercial zoning or large scale commercial developments exist on the south side of Sylvania Avenue between Monroe Street and Talmadge Road. The intensity of the proposed development and the physical characteristics of the site plan are not compatible with the character of the area. As a result, the proposed large scale commercial development will be out of character with and detrimental to the nearby uses.

STAFF ANALYSIS (cont'd)

Recommendation (cont'd)

Fourth, over the past decade several large scale retail developments have occurred within the general vicinity of the proposed site and have added a substantial amount of square footage to the area. These developments have occurred on sites historically used for commercial purposes and have not resulted in a spread of commercial development. The addition of 125,000 square feet of floor area in addition to four (4) out lots, the proposal will increase commercial acreage in the area while leaving an existing commercial site vulnerable to vacancy and blight.

As a result of the current and future land use designation, inconsistencies with the approval criteria as outlined in TMC 1111.0809, the sites proximity to Norte Dame Academy, Christ the King Elementary School, low intensity commercial uses and residential neighborhoods and over saturation of commercial acreage in the area, this site does not appear to be a viable location for a large scale intense commercial use. Therefore, staff recommends disapproval of the site plan review

Although staff is recommending disapproval, conditions are provided for information purposes in Exhibit "A".

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission disapprove of SPR-10-15, a major site plan review for a new commercial development, located at 3835 Secor Road, for the following four (4) reasons:

1. The proposed site plan review does not conform to the Toledo 20/20 Comprehensive Plan, which targets the site for Institutional Campus uses;
2. The proposed use does not comply with all standards of the Toledo Municipal Code (TMC 1111.0809.A Approval Criteria);
3. The proposed is not permitted in the district in which it is located (TMC 1111.0809.B Approval Criteria); and
4. The proposed use does not provide safe, efficient and convenient movements of vehicular ingress and egress to and from the site, not only on the site but also on adjacent roadways (TMC 1111.0809.C Approval Criteria).

REF: SPR-10-15 . . . May 14, 2015

MAJOR SITE PLAN REVIEW
TOLEDO CITY PLAN COMMISSION

REF: SPR-10-15

DATE: May 14, 2015

TIME: 2 P.M.

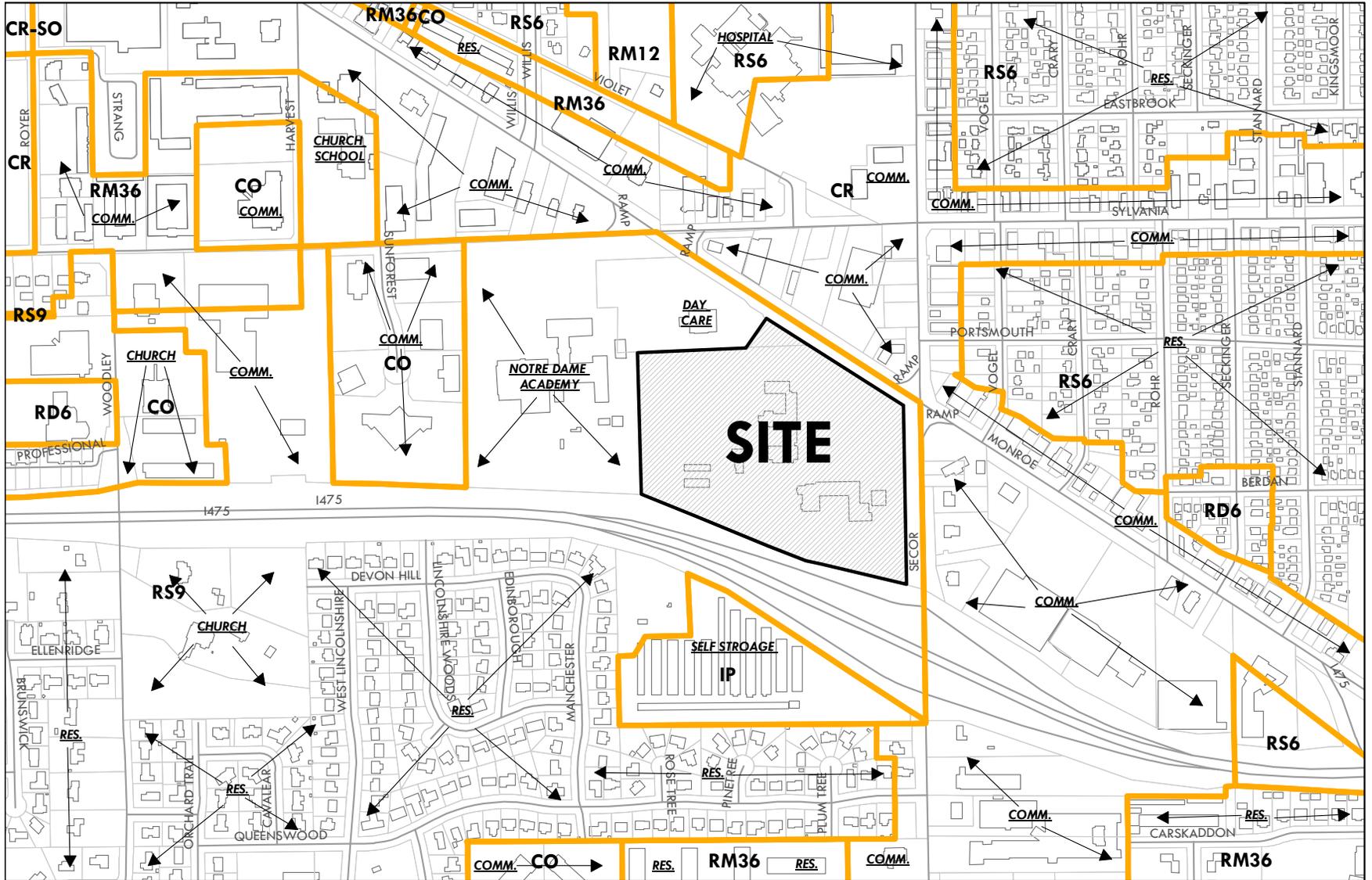
BH/jj

Five (5) sketches follow

Exhibit "A"

ZONING & LAND USE

SPR-10-15
ID 78

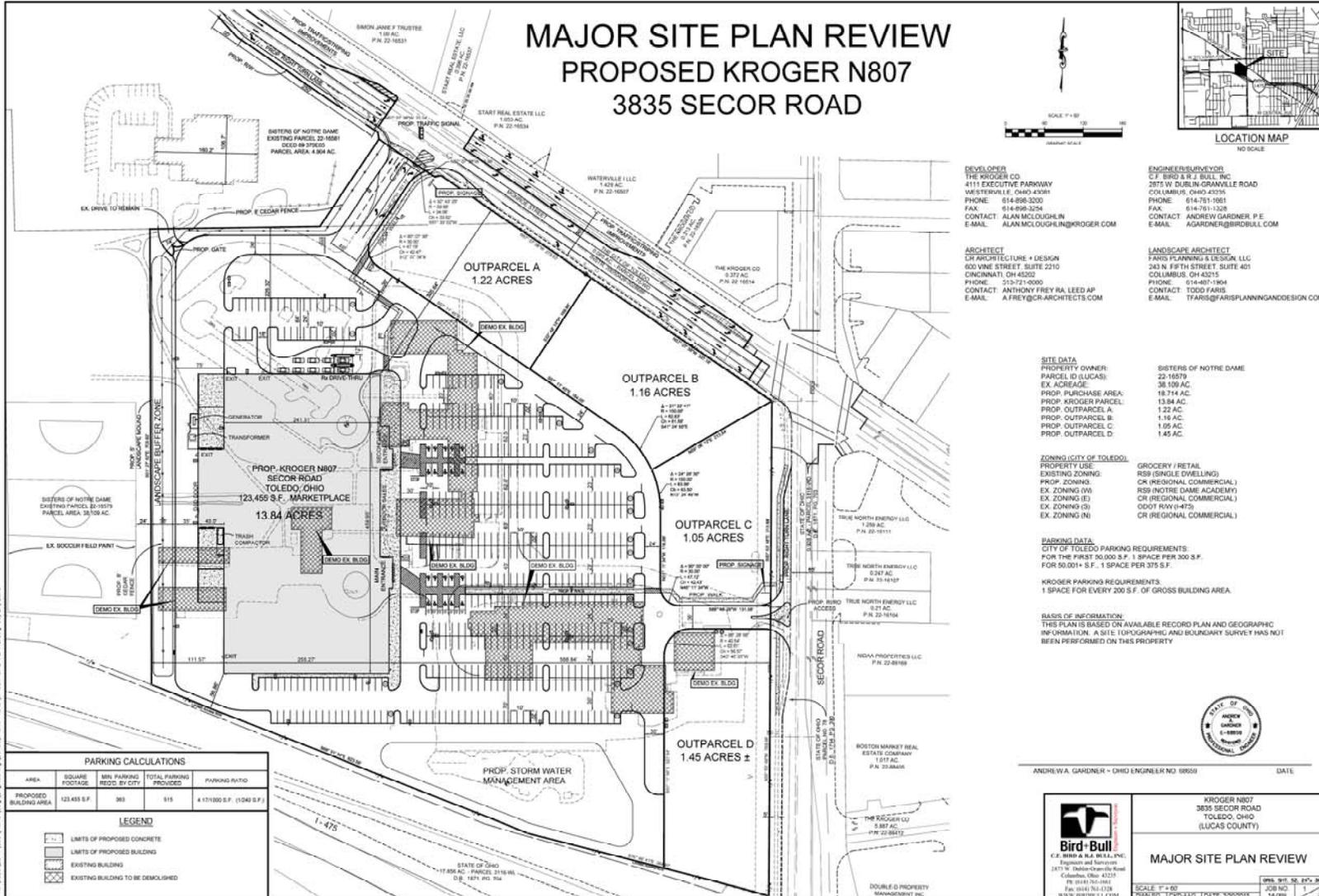


SITE PLAN

SPR-10-15
ID 78



MAJOR SITE PLAN REVIEW PROPOSED KROGER N807 3835 SECOR ROAD



DEVELOPER
THE KROGER CO
4111 EXECUTIVE PARKWAY
WESTERHURST, OHIO 43081
PHONE: 614-898-3200
FAX: 614-898-3204
CONTACT: ALAN MCGLOUGHLIN
E-MAIL: ALAN.MCGLOUGHLIN@KROGER.COM

ENGINEER/SURVEYOR
C.F. BIRD & R.J. BULL, INC.
2875 W. DUBLIN GRANVILLE ROAD
COLUMBUS, OHIO 43229
PHONE: 614-761-1961
FAX: 614-761-1328
CONTACT: ANDREW GARDNER, P.E.
E-MAIL: AGARDNER@BIRDBULL.COM

ARCHITECT
DR ARCHITECTURE + DESIGN
600 VINE STREET, SUITE 2210
CINCINNATI, OH 45202
PHONE: 513-721-0090
CONTACT: ANTHONY FREYBA, LEED AP
E-MAIL: AFREY@DR-ARCHITECTS.COM

LANDSCAPE ARCHITECT
FARIS PLANNING & DESIGN, LLC
243 N. FIFTH STREET, SUITE 401
COLUMBUS, OH 43215
PHONE: 614-467-1904
CONTACT: TODD FARIS
E-MAIL: TFARIS@FARISPLANNINGANDDESIGN.COM

SITE DATA

PROPERTY OWNER: SISTERS OF NOTRE DAME
PARCEL ID (LUCAS): 22-10579
EX. ACREAGE: 38.109 AC.
PROP. PURCHASE AREA: 18.714 AC.
PROP. KROGER PARCEL: 13.84 AC.
PROP. OUTPARCEL A: 1.22 AC.
PROP. OUTPARCEL B: 1.16 AC.
PROP. OUTPARCEL C: 1.05 AC.
PROP. OUTPARCEL D: 1.45 AC.

ZONING (CITY OF TOLEDO)

PROPERTY USE: GROCERY / RETAIL
EXISTING ZONING: RS9 (SINGLE DWELLING)
PROP. ZONING: CR (REGIONAL COMMERCIAL)
EX. ZONING (W): RS9 (NOTRE DAME ACADEMY)
EX. ZONING (E): CR (REGIONAL COMMERCIAL)
EX. ZONING (S): ODOT RAY (I-475)
EX. ZONING (N): CR (REGIONAL COMMERCIAL)

PARKING DATA

CITY OF TOLEDO PARKING REQUIREMENTS:
FOR THE FIRST 50,000 S.F.: 1 SPACE PER 300 S.F.
FOR 50,001+ S.F.: 1 SPACE PER 375 S.F.
KROGER PARKING REQUIREMENTS:
1 SPACE FOR EVERY 200 S.F. OF GROSS BUILDING AREA.

BASIS OF INFORMATION:

THIS PLAN IS BASED ON AVAILABLE RECORD PLAN AND GEOGRAPHIC INFORMATION. A SITE TOPOGRAPHIC AND BOUNDARY SURVEY HAS NOT BEEN PERFORMED ON THIS PROPERTY.

PARKING CALCULATIONS				
AREA	SQUARE FOOTAGE	MIN. PARKING REQS. BY CITY	TOTAL PARKING PROVIDED	PARKING RATIO
PROPOSED BUILDING AREA	123,455 S.F.	363	515	4.17(1)00 S.F. (1.04) S.F.

LEGEND	
[Symbol]	LIMITS OF PROPOSED CONCRETE
[Symbol]	LIMITS OF PROPOSED BUILDING
[Symbol]	EXISTING BUILDING
[Symbol]	EXISTING BUILDING TO BE DEMOLISHED

ANDREW W. GARDNER - OHIO ENGINEER NO. 69559 DATE: _____

Bird+Bull
C.F. BIRD & R.J. BULL, INC.
Engineers and Surveyors
1877 W. Dublin Granville Road
Columbus, Ohio 43229
PH: 614-761-1961
FAX: 614-761-1328
WWW.BIRDBULL.COM

KROGER N807
3835 SECOR ROAD
TOLEDO, OHIO
(LUCAS COUNTY)

MAJOR SITE PLAN REVIEW

DATE: _____
JOB NO.: 14-089
SCALE: 1" = 60'

7-10

Exhibit “A”
REVIEW AGENCY CONDITIONS

The following fifty-four (54) conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. Substandard sidewalk and curb sections that exist within the public right-of-way abutting the site shall be replaced in accordance with City of Toledo Construction Standards and Toledo Municipal Code. Contact Joe Warnka at (419) 245-1341 for inspections. Contact Joe Warnka at (419) 245-1341 for inspections.
2. All proposed drive approaches, curb, and sidewalk shall be constructed in accordance with the City of Toledo Construction Standards and Toledo Municipal Code. All commercial drive approaches shall be 8-inch-thick concrete. No curb shall be permitted in the right-of-way along either side of the drive approach. **No horizontal curb cutting will be permitted.**
3. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220. Occupancy permits will not be issued until all inspections have been completed.
4. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
5. Our records indicate that there is an existing private hydrant serving the adjacent parcel to the west that will need to be relocated onto said parcel. A separate plan will need to be submitted to the Division of Engineering Services for the relocation of this hydrant.
6. All existing water services to structures removed from the site will be abandoned at the owner's/developer's expense.
7. Plans for new water services 4-inch diameter and larger shall be submitted to the Division of Engineering Services for review and approval.
8. Contact the City of Toledo Fire Prevention Bureau to determine the fire protection requirements for this site.

Exhibit “A” (cont’d)
REVIEW AGENCY CONDITIONS

Engineering Services (cont’d)

9. The private fire line loop for the site shall be located within the main parcel and shall have a single owner that will be responsible for maintenance of the private fire line loop. Outparcel owners desiring to tap into the private fire line loop shall enter into an agreement with the owner of the fire line for permission to utilize the fire line loop for fire or domestic purposes.
10. Maintain 10 feet of horizontal clearance between proposed water service and sanitary or storm sewers. Maintain 4 feet of horizontal clearance between proposed water service and any other underground utility. Maintain 18 inches of vertical clearance between proposed water service and sanitary or storm sewers. Maintain 12 inches of vertical clearance between proposed water service and any underground utility.
11. Contact the Division of Water Distribution to determine the backflow prevention requirements for this site.
12. New fire, domestic, and irrigation taps will be installed by City of Toledo at the owner’s/developer’s expense.
13. If existing public water facilities are in conflict and must be relocated, they will be relocated by the City of Toledo at the owner’s cost.
14. Storm Service is available subject to the Rules and Regulations of the Department of Public Utilities.
15. Plan Commission submittal indicates earth-disturbing activities greater than 2,500 square feet; therefore, a detailed site-grading plan for this project shall be submitted for stormwater approval.
16. Plan submittals shall be in conformance with the latest version of Infrastructure Design and Construction Requirements available at <http://toledo.oh.gov/services/public-utilities/div-engineering-services/plan-review-process/>, including the requirements for stormwater detention and post-construction stormwater Best Management Practices (BMPs).
17. Any person performing earth-disturbing activities within the City of Toledo shall employ Construction Best Management Practices (BMPs). All disturbed land areas over 1 acre must submit an NOI to and obtain a permit from the Ohio EPA.

Exhibit “A” (cont’d)
REVIEW AGENCY CONDITIONS

Engineering Services (cont’d)

18. A site-specific Stormwater Pollution Prevention Plan (SWP3) shall be submitted for review and approval. The SWP3 shall address all components required per the latest Ohio EPA General Stormwater NPDES permit.
19. Post-construction BMPs for sites greater than 5 acres disturbed shall be selected from and designed in accordance with the latest Ohio EPA General Stormwater NPDES Permit Table 2 “Structural Post-Construction BMPs & Associated Drain (Drawdown) Times.”
20. Sites greater than 10 acres disturbed shall utilize a sediment-settling pond during construction for sediment and erosion control. Design requirements of a sediment-settling pond can be found in the latest Ohio EPA General Stormwater NPDES permit.
21. If the proposed stormwater management area is to satisfy the stormwater detention and post-construction BMPs for the entire developed property, including any future outparcel development, an overall drainage layout and design shall be developed, including an agreement between the outparcel owners and the main parcel owner establishing permission to drain through main property and to utilize the stormwater management area, and to establish the maintenance responsibilities of each party. Otherwise, each parcel, when developed, will be required to comply individually with the Ohio EPA General Stormwater NPDES permit Table 2 BMP’s at the time of their development.
22. Per City of Toledo Infrastructure Design and Construction Requirements, allowable stormwater discharge is based on right-of- way frontage. It is highly suggested that the engineer/developer schedule a pre-submittal stormwater meeting with the City of Toledo during their stormwater management planning/designing phase to discuss allowable discharge from the site.
23. Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention, are encouraged and may be eligible for a percent reduction in the property’s stormwater utility fee through the Stormwater Credit Program. Proposal Suggestion: Parking-lot islands could be designed as bio-retention areas which could help satisfy the post-construction BMP requirement.

Exhibit "A" (cont'd)
REVIEW AGENCY CONDITIONS

Engineering Services (cont'd)

24. All storm drainage must be internal and not run off onto adjacent properties unless approved by the City of Toledo Drainage Engineer. Our records indicate there are existing storm sewers on this property that service the adjacent parcel to the west. Property owners shall enter into an agreement establishing permission to drain through the property and the maintenance responsibilities of each party.
25. No construction work, including grading, will be permitted without approved plans and inspection.

A pre-submittal meeting is not required; however, one may be requested. Contact Information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850
Sanitary Sewers: Mike Elling, ph. 419-936-2276
Stormwater Drainage: Lorie Haslinger, ph. 419-245-3221; Andy Stepnick 419-245-1338
Water: Andrea Kroma, ph. 419-936-2163
Roadway: Tim Grosjean, ph. 419-245-1344

26. Sanitary sewer service for this development is available subject to the Rules and Regulations of the Department of Public Utilities.
27. A single sanitary sewer tap from this site shall be allowed into the public sanitary sewer system. Developer shall use existing sanitary tap, when available.
28. If there are any existing structures to be demolished at the site, the sanitary services to such structures will be killed by the City of Toledo at the developer's cost.
29. Any existing sewers under proposed buildings shall be relocated or abandoned. Developer shall verify any sewers to be abandoned are no longer in service.
30. Developer shall verify the routing of the existing site sewer connection into the public sewer.

Exhibit “A” (cont’d)
REVIEW AGENCY CONDITIONS

Sewer & Drainage Services

31. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
32. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Fire Prevention

33. Fire Department connection must be located on plan Northwest corner of building (Monroe Street site).

Building Inspection

34. The construction of any new structure, addition, or alterations to any existing building and/or parking lot will require construction documents stamped by a design professional to be submitted to the Division of Building Inspection for review and approval. Construction documents must show that the new structure, addition or alterations will be built in compliance with the building, mechanical and fire codes of the City of Toledo, and by referenced authority, those of the State of Ohio. Construction must also comply with federal ADA requirements.
35. Any signs on the property, will require a separate plan review and permit(s) in accordance with the City of Toledo’s sign codes (TMC §1377-§1397).
36. Any fence screening will require a Certificate of Zoning Compliance, issued by the Division of Building Inspection.

Division of Transportation

Comments not received at this time.

Exhibit “A” (cont’d)
REVIEW AGENCY CONDITIONS

Plan Commission (cont’d)

37. The applicant shall reduce the scale of the parking areas as outlined in TMC 109.0303, providing no more than 200 spaces per parking field. Parking areas of more than 200 spaces shall be divided into two (2) or more sub-areas.
38. Internal pedestrian connecting walkways shall be provided from each primary street frontage to the principal customer entrance(s).
39. Wall surfaces longer than 100 feet shall incorporate a series of recesses or offsets that vary the depth of the building wall by a minimum of four (4) feet. Not less than twenty-five (25) percent of the wall shall be varied this way.
40. The northern façade shall include additional windows to aid in the varying of the mass of a large scale building, **subject to the review and approval of the Director of Planning.**
41. A TARTA stop as outlined in TMC 1109.0307 shall be incorporated into the design; **subject to the review and approval of the Director of Planning.**
42. The applicant shall plat the subject property and out lots in accordance with the City of Toledo Subdivision Rules and Regulations. This plat shall include a thirty (30) foot landscape easement along all street frontages, which is consistent with the zoning code requirements for a thirty (30) foot frontage greenbelt
43. The applicant shall submit a revised elevation that identifies all exterior materials to be used and the percentage of materials per façade. All building facades visible from any right-of-way shall consist of a minimum 75% high quality material.
44. The building materials of the addition shall meet the requirements of TMC 1109.0500 Building Façade Materials and Color. Elevations shall be submitted to meet the approval of the Plan Director. Exterior building materials shall not include concrete blocks, concrete panels or wood sheet goods. EIFS products are limited to fifteen (15) percent of any façade. The façade colors shall be low-reflectance, subtle, neutral or earth tone colors. The submitted elevations appear to meet the requirements of TMC 1109.0500 Building Façade Materials and Color.
45. Dumpster location(s) shall have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks.

Exhibit “A” (cont’d)
REVIEW AGENCY CONDITIONS

Plan Commission (cont’d)

46. Incorporate curbs or other substantial permanent barriers to prevent encroachment of the vehicles into the required setback and landscape areas.
47. Ground level mechanical equipment shall be screened a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks.
48. Final landscape plan shall include the retention of as many existing mature trees as possible, **subject to the review & approval of the Plan Director, in consultation with the City of Toledo’s Landscape Architect.**
49. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A thirty (30) foot Frontage Greenbelt is required along both the Monroe Street and Secor Road frontages and shall include one tree for every thirty (30) of lot frontage and a solid evergreen hedge; **acceptable as depicted on landscape plan.**
 - b. Type “A” Landscape buffer is required along the western, northwestern and southern property lines where abutting residential zoning, a twenty-five (25) foot wide Type “A” Buffer shall include four (4) trees and twenty (20) shrubs for every 100 Linier feet of property line; **shall be noted on revised landscape plan.**
 - c. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage; **acceptable as depicted on landscape plan.**
 - d. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained; **a revised preserved tree credit list shall be submitted.**
 - e. If site is ½ acre or larger, landscaped areas must be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation plans must be submitted with development plans and must contain all construction details; **acceptable as depicted on landscape plan.**
 - f. Interior site landscaping shall include one (1) tree per 1000 square feet of building coverage. Interior site landscaping may consist of foundation shrub plantings and new tree planting or preservation of existing trees.

Exhibit “A” (cont’d)
REVIEW AGENCY CONDITIONS

Plan Commission (cont’d)

- g. Total interior parking lot landscaping shall be twenty (20) square feet per parking space. Landscape areas within the parking area shall be peninsular or island types and must be constructed with six (6) inch by eighteen (18) inch concrete curbing.
 - h. All parking spaces must be within 100 linear feet of a landscaped area.
 - i. All landscaped areas must have a minimum dimension of at least nine (9) feet and be at least 160 square feet in area.
 - j. Topsoil must be back filled to provide positive drainage of the landscape area.
 - k. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage.
 - l. Landscape terminal islands must be provided at the end of each parking row.
 - m. Divider medians that form a continuous landscaped strip may be installed between abutting rows of parking spaces; median shall be a minimum of ten (10) feet in width.
 - n. Two canopy trees and six shrubs are required to be installed in interior landscape areas for each ten (10) parking spaces within the parking lot (existing trees may be used for credits).
 - o. Perimeter landscaping must be installed along any parking lot area adjacent to a street, place or driveway, or which is visible from an adjacent property, and shall be ten (10) feet in width.
 - p. The location, height and materials for any fencing to be installed and maintained.
 - q. The location and direction of any proposed lighting (lights are to be directed away from adjacent residential properties); and
 - r. The location, lighting and size of any signs.
51. Free-standing pylon signage is prohibited. Low profile signage not to exceed forty-two (42) inch in height shall be permitted.

Exhibit “A” (cont’d)
REVIEW AGENCY CONDITIONS

Plan Commission (cont’d)

52. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed and maintained indefinitely.
53. Minor adjustments to the site plan that do not violate the above conditions or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
54. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

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GENERAL INFORMATION

Subject

- Request - Zone change from CR Regional Commercial to IL Limited Industrial
- Location - 3025 N. Summit Street
- Applicant - SL Hauling & Renovations, LLC
Sean Love
3025 N. Summit Street
Toledo, OH 43611

Site Description

- Zoning - CR Regional Commercial
- Area - ± 0.406 Acres
- Frontage - ± 119' along Summit Street
- Existing Use - Restaurant Parking Lot
- Proposed Use - Dumpster Storage

Area Description

- North - Former Fritz and Alfredo's Restaurant / CR
- South - Multi Dwelling Residential / CR
- East - Industrial Uses / IL
- West - Single family and Duplex Residential / RD6

Parcel History

No Parcel History on File.

Applicable Regulations

Toledo Municipal Code, Part Eleven: Planning and Zoning
Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Zone Change from CR Regional Commercial to IL Limited Industrial for the site located at 3025 N. Summit Street. The applicant is proposing to develop the .406-acre site with a dumpster storage facility. The site is part of the former Fritz and Alfredo's Restaurant that was located on Summit Street between New York and Bassett Streets.

The applicant is proposing to rezone only a portion of the former restaurant site to IL Limited Industrial (Lots 3, 4 & 5), while leaving the remainder CR for use as a rental hall. A Zone Change is required because dumpster storage facilities are not permitted in the CR district.

STAFF ANALYSIS (cont'd)

Surrounding land uses include the former Fritz and Alfredo's Restaurant and single family residences to the north, single family and duplex Residential to the west, multi dwelling Residential to the south and industrial uses across Summit Street to the east.

Staff is recommending disapproval of the Zone Change for a number of reasons. First, the current commercial zoning serves as a transition between the industrial uses located east across Summit Street and the residential uses to the west. Limited Industrial zoning permits a more intense range of uses that may not be compatible with residential uses in terms of scale, noise and overall impact.

Second, the proposed Zone Change will result in a comprehensively zoned site becoming split-zoned. Generally, split-zoning of a site is discouraged as it leaves the site vulnerable to future development complications and incompatible land uses.

Finally, the Toledo 20/20 Comprehensive Plan targets this area for neighborhood commercial land uses. The intent of the Neighborhood Commercial designation is to accommodate small to medium scale commercial uses that serve neighborhoods. The proposed IL zoning would allow uses that do not conform to the 20/20 plan.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of Z-3006-15, a Zone Change from CR Regional Commercial to IL Limited Industrial for the site at 3025 N Summit Street to Toledo City Council for the following three (3) reasons

1. The proposed Zone Change does not conform to the Toledo 20/20 Comprehensive Plan, which targets the site for neighborhood commercial uses; and
2. The proposed Zone Change is out of character with the surrounding zoning and uses (TMC §1111.0606.C Review & Decision-Making Criteria).
3. The proposed Zone Change would result in a split-zoned property.

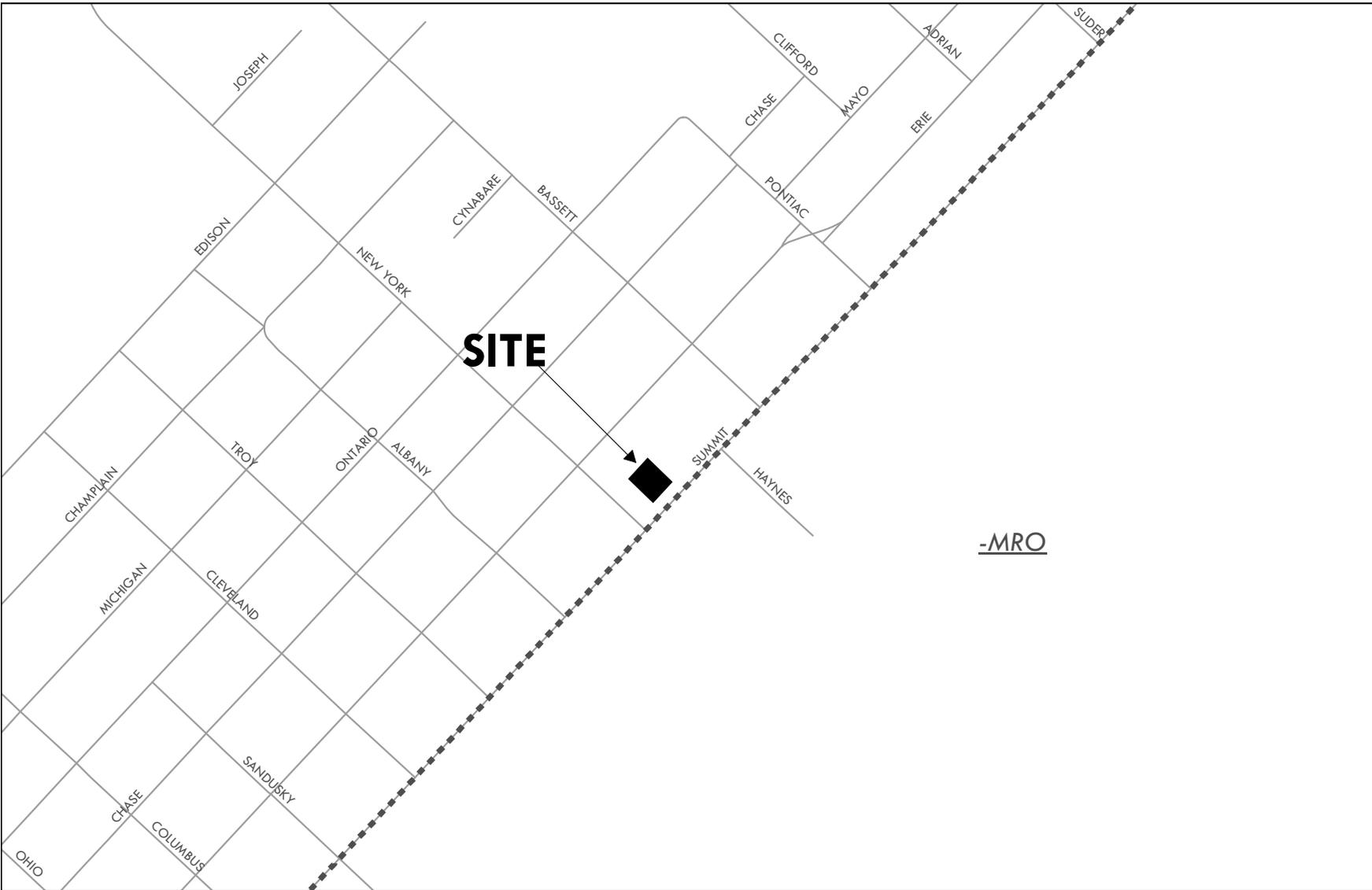
ZONE CHANGE REQUEST
 TOLEDO CITY PLAN COMMISSION
 REF: Z-3006-15
 DATE: May 14, 2015
 TIME: 2:00 P.M.

TOLEDO CITY COUNCIL
 ZONING AND PLANNING COMMITTEE
 DATE: June 17, 2015
 TIME: 4:00 P.M.

BH/jj
 Two (2) sketches follow

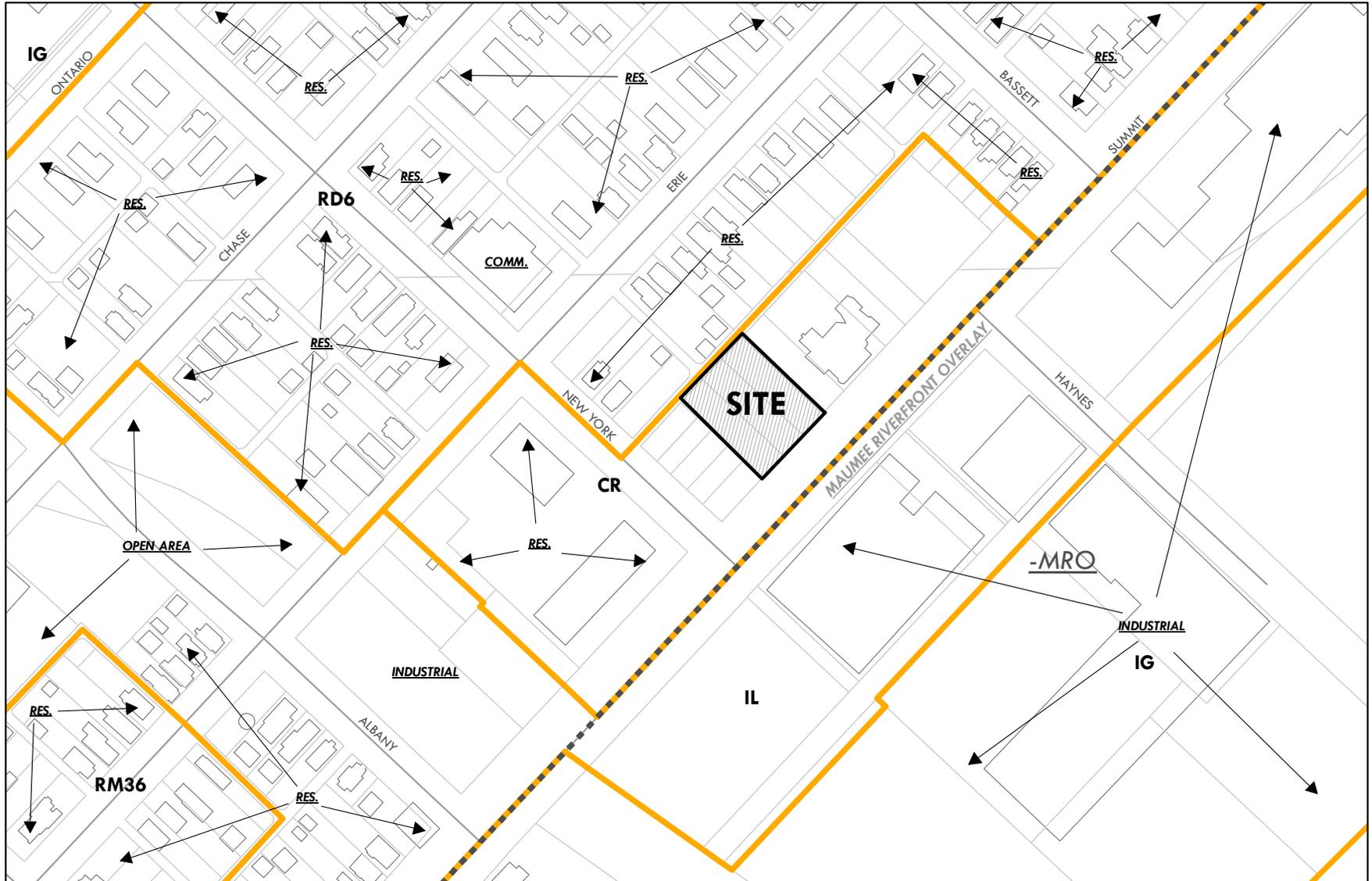
GENERAL LOCATION

Z-3006-15
ID 2



ZONING & LAND USE

Z-3006-15
ID 2



GENERAL INFORMATION

Subject

- Request - Request a for Zone Change from RS6 Single Family Residential and CR Regional Commercial to CO Office Commercial
- Location - 4248 Secor Road
- Applicant - Secor Reality, LLC
C/O: Binod Thakur, M.D.
9308 Tranquil Breeze Lane
Sylvania, OH 43560
- Architect - Hales Architecture and Planning
C/O: Walter J. Hales, AIA
3601 West Alexis Road
Suite 200
Toledo, OH 43623

Site Description

- Zoning - RS6, CR / Single Family Residential, Regional Commercial
- Area - ± 1.18 acres
- Frontage - N/A (Land-locked Parcel) – the site has frontage on two (2) unimproved right-of-ways
- Existing Use - Undeveloped
- Proposed Use - Commercial Building

Area Description

- North - Knights of Columbus / CR, RS6
- South - Single Family Dwellings / RS6
- East - Elmhurst Park / POS
- West - Undeveloped / CR

GENERAL INFORMATION (cont'd)

Parcel History

- V-36-99 - Request for a Vacation of the portion of Vogel Drive between lots 1 and 32 located north of Corydon Drive, disapproved by Plan Commission on 8/31/00, disapproved by City Council on 10/18/00.

- V-796-99 - Request for a Vacation of the portion of Crary Drive between lots 3 and 4 located north of Corydon Drive. Request was withdrawn.

- S-13-00 - Preliminary Plat subdividing the parcel into five (5) residential lots, disapproved by Plan Commission on 6/13/00.

Applicable Plans and Regulations

- Toledo Municipal Code Part Eleven: Planning and Zoning
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting a Zone Change from RS6 Single Family Residential and CR Regional Commercial to CO Office Commercial for a site located at 4248 Secor Road (parcel #18-86251). The ±1.18 acre site is an undeveloped land-locked parcel between a residential neighborhood to the south and a commercial development to the north. To the east of the site is a City owned public park. The site is bordered to the west by three (3) undeveloped parcels that are owned by the applicant and will be incorporated into the final development, if approved.

The applicant is requesting a Zone Change to CO Office Commercial to facilitate the development of medical offices. The letter of intent states that the development will be occupied mostly during daytime hours and will have a low impact on the adjacent residential neighborhood. The three (3) parcels that front onto Secor Road are zoned commercial and are part of a shallow commercial corridor that runs north and south along Secor Road. This commercial corridor does not extend into or disrupt the residential neighborhood on the east side of Secor Road.

STAFF ANALYSIS (cont'd)

Requests to vacate the stub portion of Vogel Drive lying north of Corydon Drive and the stub portion of Crary Drive north of Corydon Drive were disapproved by City Council in the year 2000. At that time, staff was concerned that allowing access through Crary Drive would have a negative impact on the park and the two (2) lots at the corner of Crary and Corydon Drives. A two (2') foot wide no-access easement exists at the northerly edge of both street stubs and access can only be gained through a dedication of a ten (10') right-of-way to the City of Toledo, which would in effect remove the no-access easement. If the Zone Change and subsequent office development is approved, these right-of-ways cannot be used to access the site per TMC § 1107.1203.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Single Family Residential land uses. The category is intended to create, maintain and promote housing opportunities for individual households, although they do permit nonresidential uses that are typically compatible with residential neighborhoods. Staff recommends disapproval of the Zone Change request. The proposed Zone Change would intrude to a significant depth into a residentially zoned district and allow for land uses that could disrupt the character of the neighborhood. Furthermore, the Zone Change request is not consistent with Toledo 20/20 Plan and is not compatible with the public park or the residential zoning of properties adjacent to the subject site.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of Z-3005-15, a request for a Zone Change from RS6 Single Family Residential and CR Regional Commercial to CO Office Commercial for the site located at 4248 Secor Road, to the Toledo City Council, for the following three (3) reasons:

1. The request is not consistent with The Toledo 20/20 Comprehensive Plan (TMC§1111.0606(A) Review and Decision Making Criteria);
2. The request will have a negative impact on the public park and residential properties adjacent to the subject site (TMC§1111.0606(E) Review and Decision Making Criteria);
3. The requested CO Office Commercial zoning is not compatible with nearby residential and park uses.

REF: Z-3005-15. . .May 14, 2015

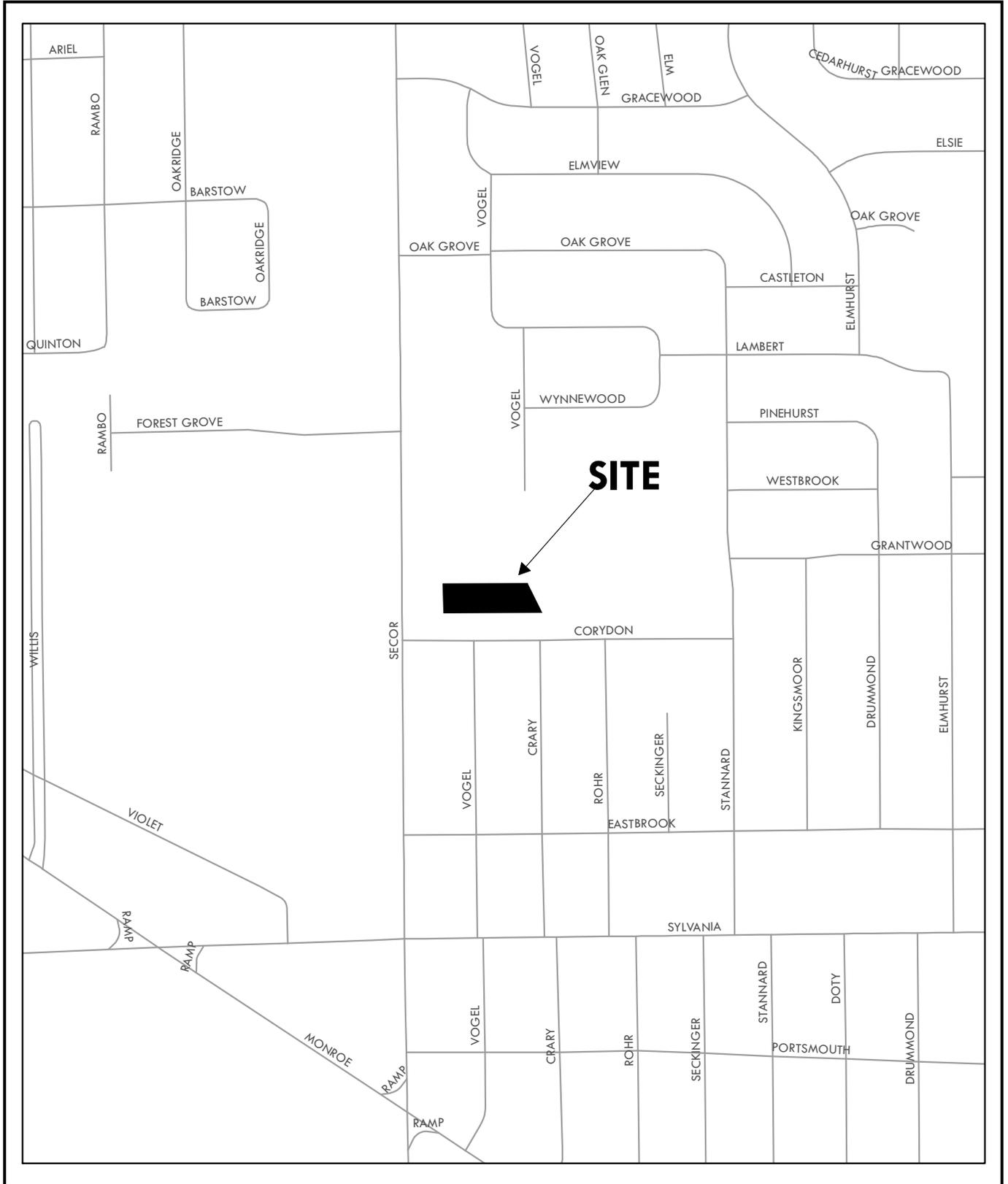
ZONE CHANGE
TOLEDO CITY PLAN COMMISSION
REF: Z-3005-15
DATE: May 14, 2015
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: June 17, 2015
TIME: 4:00 P.M.

GP/jj
Two (2) sketches follow

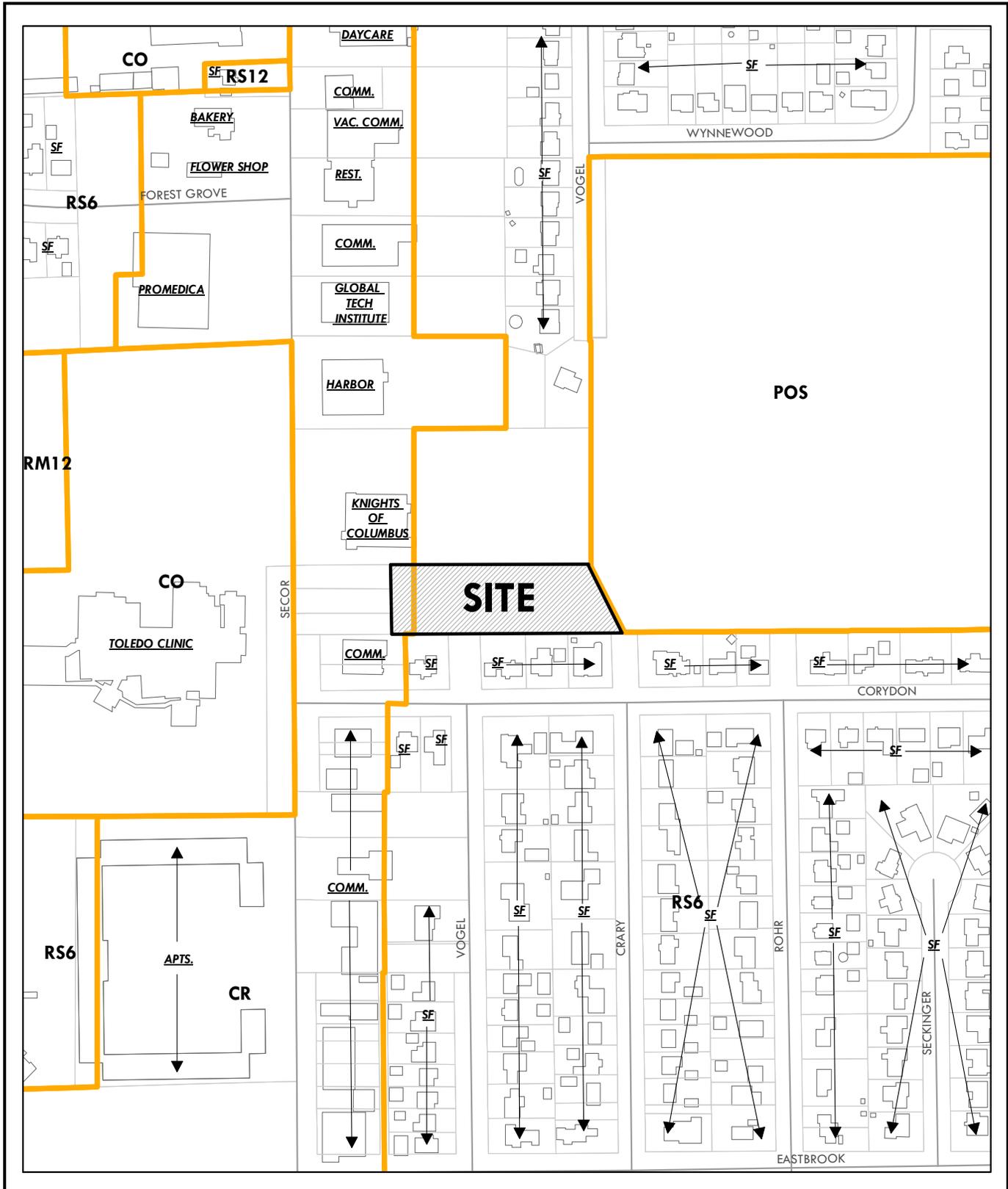
GENERAL LOCATION

Z-3005-15
ID 49



ZONING & LAND USE

Z-3005-15
ID 49



GENERAL INFORMATION

Subject

Request	-	Appeal of a Certificate of Appropriateness (COA) for a request to demolish a structure.
Location	-	2301 Glenwood Ave
Owner/Appellant	-	Lucas County Land Reutilization Corp One Government Center, Suite 580 Toledo, OH 43604

Site Description

Zoning	-	RD6 Duplex Residence
Frontage	-	50'
Parcel Depth	-	150'
Use	-	Vacant/single-family
Year Built	-	1897

Parcel History

OWE-15-96	-	Re-roof (Admin approved in 1996)
OWE-63-96	-	Re-roof, soffit repairs, new eaves (Admin approved in 1996)
OWE-23-03	-	Re-roof carriage house and repair overhang (OWEHDC approved 6/9/03)

Applicable Plans, Regulations

- Toledo Municipal Code (T.M.C.), Part 11, Planning and Zoning Code, Chapter 1103.0300 - Historic Overlay Districts, Chapter 1111.1000 Historic Districts and Landmarks
- U.S. Secretary of Interior's Standards and Guidelines for Rehabilitating Historic Buildings

STAFF ANALYSIS

This request is an appeal of the Certificate of Appropriateness (COA) that was disapproved by the Old West End Historic District Commission (OWEHDC) at their monthly meeting held on March 9, 2015. The site is located at 2301 Glenwood Avenue and is occupied by a vacant home built in 1897.

STAFF ANALYSIS (cont'd)

The motion for the COA was to approve the applicant's request, however, the motion failed in a 3 to 5 vote. The property owner is requesting the demolition after owning the home for two years. This property was cleaned and the debris removed once Land Bank took ownership and prior to listing the house for sale. The house was marketed by a real estate agent, Judy Stone, and included being advertised on television and websites as stated in the attachments.

The estimate provided in "Exhibit D" shows an investment of \$84,600 would be necessary for basic repairs and structural requirements to make the house habitable. Also, a public meeting was held on October 13, 2014 with the neighbors and a local neighborhood group, Old West End Association (OWE). The OWE Association did consider taking on this property as a rehabilitation project but was unable to do so at that time.

The Development Approval Process outlined in the Toledo Municipal Code, Chapter 1111.1108 Demolition Hearing Procedures, state that one or both of the following conditions must exist in order to grant a Certificate of Appropriateness for a demolition:

- A. Where application is made for a Certificate of Appropriateness to demolish a land-marked structure or structure within a designated historic district, the respective Historic District Commission must grant the application and issue the certificate when one or both of the following conditions are found to exist:
 - 1. the structure for which demolition is sought contains no features of architectural or historic significance, and it does not contribute to maintaining the character of the historic district; or
 - 2. there is no reasonable economic return for the structure as it exists and there is no feasible alternative to demolition submitted to the applicant by concerned organizations or individuals who wish to preserve the structure.

The appeal that was received at the Plan Commissions office on March 10th, 2015 was for one item and is listed below as received from the appellant:

- 1. ***There is no reasonable economic return for this structure as it exists, and there is no feasible alternative to demolition that has been submitted to the Land Bank. The Land Bank believes that it has satisfied the requirements for a Certificate of Appropriateness under the TMC 1111.1108, Letter A, number 2.***

STAFF RECOMMENDATION

The Old West End Historic District Commission recommends that the Toledo City Plan Commission uphold the decision of the Old West End Historic District Commission to disapprove the Certificate of Appropriateness (COA) for the demolition request located at 2301 Glenwood Ave for the following reason:

1. The request for demolition did not pass the majority vote at the OWEHDC meeting held on March 9th, 2015.

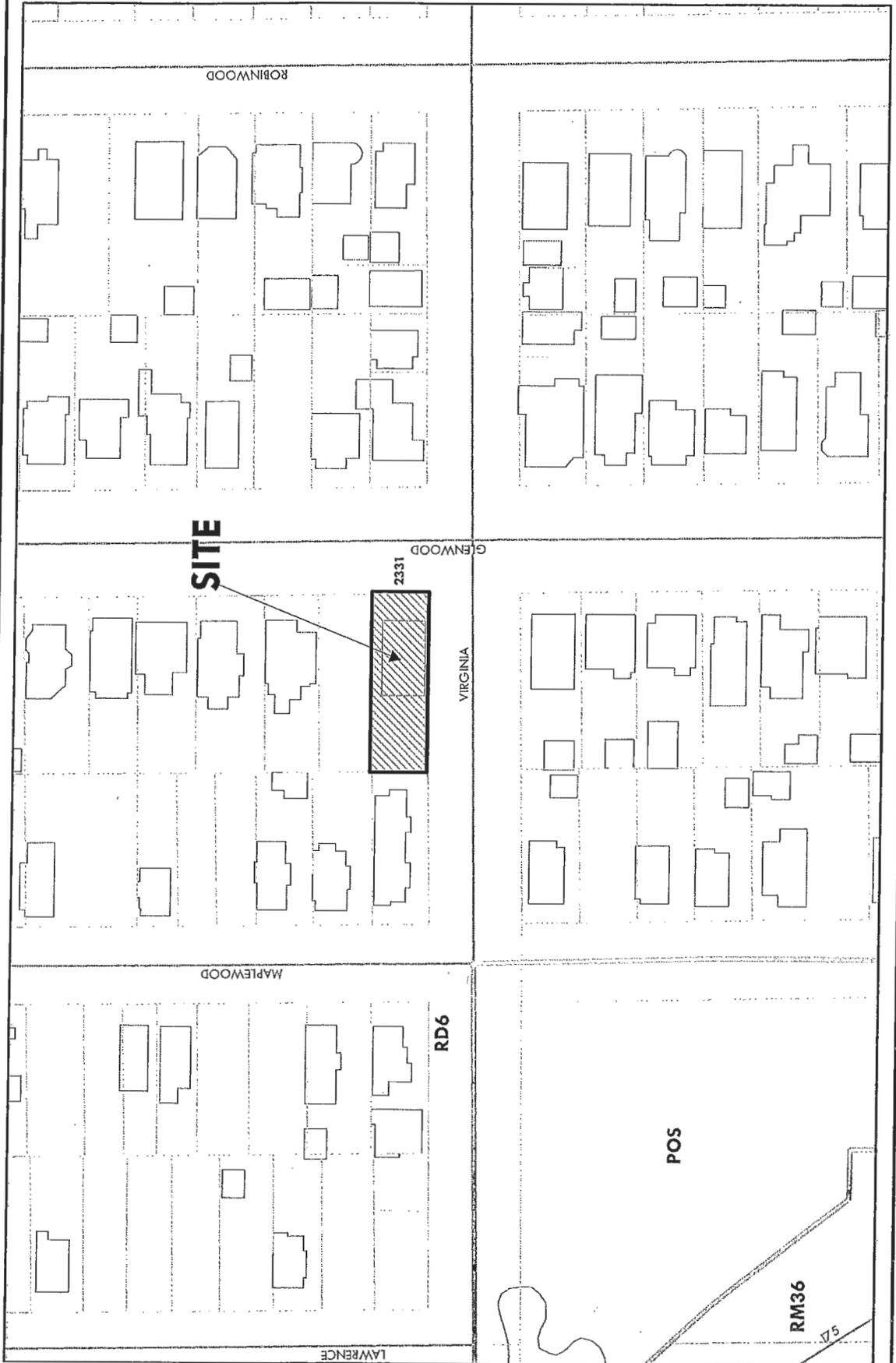
APPEAL OF OWEHDC DECISION
TOLEDO CITY PLAN COMMISSION
REF: OWE-1-15
DATE: MAY 14, 2015
TIME: 2:00 P.M.

MLM/jj
Attachments Follow



OWE-1-15
ID 15

ZONING & LAND USE
2301 GLENWOOD AVE.





Wade Kapszukiewicz, Chair

January 27, 2015

The Old West End Historic Commission
c/o The Toledo-Lucas County Plan Commissions
One Government Center, Ste. 1600
Toledo, Ohio 43604

**Re: Application for Certificate of Appropriateness - Demolition
2301 Glenwood Ave, Toledo, 43620 (Parcel # 06-07971) (the "Property")**

To The Members of the Commission:

In accordance with Toledo Municipal Code § 1111.1108, the Lucas County Land Reutilization Corporation ("Land Bank") petitions as owner for a Certificate of Appropriateness to demolish the Property. We urge this petition to be granted for the following reasons, which are more particularly described below:

1. The Property's structure has been stripped, vandalized, boarded, and water damaged and no longer contains any features of architectural or historic significance;
2. Based on the structure's existing condition and its estimated market value, there is no reasonable economic return for the structure as it exists; and
3. Adjacent landowners and neighbors have sought the assistance of the Land Bank to remove this blighted Property in order to encourage neighborhood stability, reduce unwanted activity at the Property, and preserve property values.

Property History

The Property is a single-family home, originally built in 1897, and sits on the corner of Glenwood and Virginia in the Old West End Historic District. The Property has a total living area of 3632 square feet.

The Land Bank acquired the property on November 7, 2012 by Sheriff's deed from the Estate of Carrie M. Jenkins at the conclusion of tax foreclosure proceedings initiated by the Lucas County Treasurer's office. At the time of the transfer, the Estate of Carrie M. Jenkins owed Lucas County approximately \$7,833 in delinquent taxes. It is uncertain the last time the Property transferred for value, although the County Auditor's records suggest it occurred around 1966.

Upon taking possession of the Property, the Land Bank determined that it could not be properly marketed without first removing substantial amounts of accumulated trash, debris, and waste from the Property. Photos of the Property's interior condition at the time of possession are

One Government Center, Ste. 580, Toledo, OH 43604
(419) 213-4293 (main) / (419) 213-4249 (fax) / www.LucasCountyLandBank.org

attached as Exhibit A. The Land Bank paid a reputable local contractor \$6,800.00 to restore the Property to a “broom clean finish” (see Exhibit B, attached).

Existing Condition and Estimated Rehabilitation Costs

Photos documenting the condition of the Property as of August 27, 2014 are attached as Exhibit C.

While no formal appraisal has been conducted for the Property, the Lucas County Auditor’s office has valued the property at \$68,700 for tax appraisal purposes.

The Land Bank’s expert Field Technician provided an estimate of rehabilitation costs for the Property using the Land Bank’s Inspection Worksheet, which is attached as Exhibit D.

The Land Bank has determined that the Property would require, conservatively, an investment of \$84,600 in order to return it to safe, functional, and habitable condition. This estimate includes a 20% contingency for costs related to improvements in a historic district. This means that there is a deficit of at least \$15,900 between the assessed value of the Property and its necessary renovation costs.

For all of these reasons, the Land Bank has determined that the Property will produce no reasonable economic return.

Marketing

In order to fully explore all options for the Property, the Land Bank contracted with Danberry Realtors to market the Property for sale. According to the letter from Judy Stone (attached as Exhibit E), the Property was listed for sale for 16 months beginning on March 5, 2013 and continuing until August 27, 2014.

During this lengthy marketing period, the Property was advertised nationally and internationally to interested buyers. The Property was featured in the October 2013 issue of This Old House Magazine (attached as Exhibit F). In addition, both WTOL and WTVG featured stories about the Property (attached as Exhibit G) and the Property was featured on OldHouseDreams.com, Curbed.com, and other local and national websites.

During that entire period of time, no credible offers were made for the Property. Since the Property was removed from active listing, the Land Bank has had discussions with the Old West End Association (OWEA) regarding the possibility of the OWEA restoring the Property with the assistance of the Land Bank. Unfortunately, the Land Bank was notified in January 2015 that, after careful conversation, it was unlikely that the OWEA would submit a proposal.

Neighborhood Outreach

Recognizing the importance of this Property to the neighborhood at large, the Land Bank hosted a Neighborhood Forum for adjacent neighbors and interested parties on October 13, 2014 at the Kent Branch Library (invitation letter attached as Exhibit H). Sign-in sheets from the

event reflect that 27 neighbors attended the forum, including 10 neighbors whose properties are within 500 feet of the Property (handouts and sign-in sheets attached as Exhibit I). Land Bank staff made a presentation at the Forum regarding its history with the Property and unsuccessful efforts to find a renovation partner. Neighbors were given the opportunity to provide their own comments and feedback regarding the Property.

At the end of the meeting, half of the neighbors within 500 feet of the Property recommended demolition, and the other 5 remained neutral. In addition, a majority of all attending the meeting recommended demolition.

Among the consistent comments at the Forum included a request to save the older magnolia tree that is growing at the front of the Property, which the Land Bank intends to take steps to accommodate if the demolition approval is granted.

Demolition and Return to Productive Use

The Land Bank makes investments when such an investment will preserve property values and strengthen the overall neighborhood. The Property is contributing to ongoing nuisance issues and blight at this important Old West End intersection.

The Property is eligible for Ohio Housing Finance Agency Neighborhood Initiative Program demolition funding, so long as demolition work can begin on the Property no later than summer 2015. As such, the Land Bank has a source of funds that will ensure demolition is completed in a proper fashion and in a way that preserves long-term value for the neighborhood.

The demolition funding provided to the Land Bank for this Property includes funds available for limited greening improvements, including easy to maintain bushes, shrubs, or other landscaping that could better preserve the integrity of this corner lot. The Land Bank expects to work closely with possible end-users and the neighborhood at large regarding any greening improvements conducted on the Property.

The Land Bank has had a number of conversations with adjacent landowners and the OWEA regarding the long-term repurposing of the resulting vacant lot. The Land Bank expects to work closely with the neighborhood at large to transfer the resulting vacant lot back into private ownership and the tax rolls.

Conclusion

For all of the foregoing reasons, the Land Bank respectfully requests a Certificate of Appropriateness to demolish the Property.

The Land Bank will make the Property available to the Old West End Association Preservation Committee for at least 15 days following the approval of the Certificate of Appropriateness in order to salvage any remaining items with historic or architectural significance on the Land Bank's standard terms and conditions.

PROPOSAL

CRAIG VANCE
5833 MALDEN
TOLEDO, OH 43623
419-467-1407

PROPOSAL NO.
SHEET NO.
DATE 1/9/13

PROPOSAL SUBMITTED TO:

WORK TO BE PERFORMED AT:

NAME Lucas County Land Bank	ADDRESS Glenwood @ Virginia
ADDRESS	CITY, STATE Toledo, OH
CITY, STATE	DATE OF PLANS
PHONE NO.	ARCHITECT

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

CLEAN OUT HOUSE & CARRIAGE HOUSE

REMOVE ALL CONTENTS & DEBRIS, DISPOSING OF IN A LAWFUL MANNER.

ANY LEAD BASE PAINT ISSUES OR ASBESTOS ISSUES WILL NOT BE ADDRESSED BY ME.

I RETAIN THE RIGHT TO ANY AND ALL SCRAP METALS & USABLE CONTENTS TO HELP SUBSIDISE THIS PROJECT.

PROPERTY WILL BE LEFT IN A BROOM CLEAN FINISH.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

Dollars (\$ 6800.00)

with payments to be as follows IN FULL UPON COMPLETION.

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Craig Vance
Per _____

Note - This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted; you are authorized to do the work as specified. Payments will be made as outlined above.

DATE

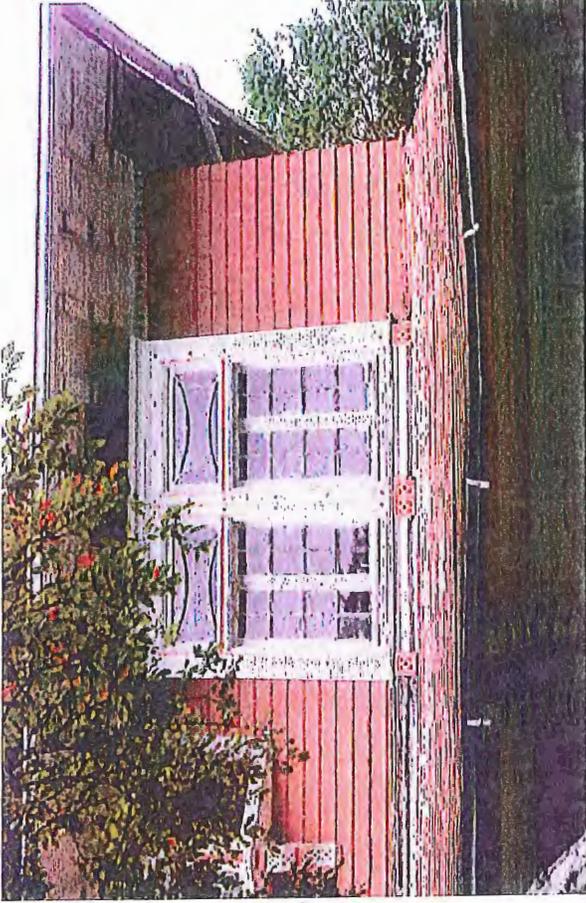
1/9/13

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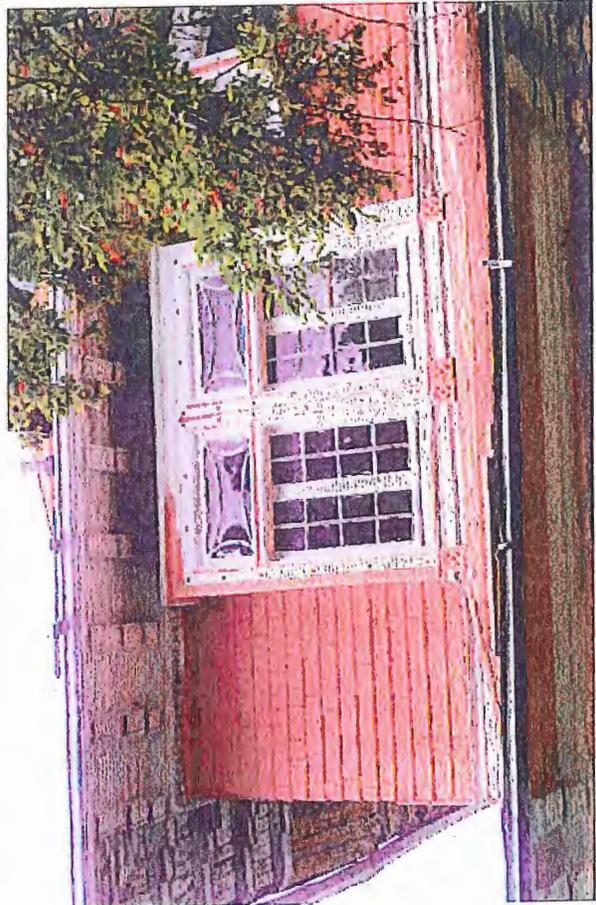
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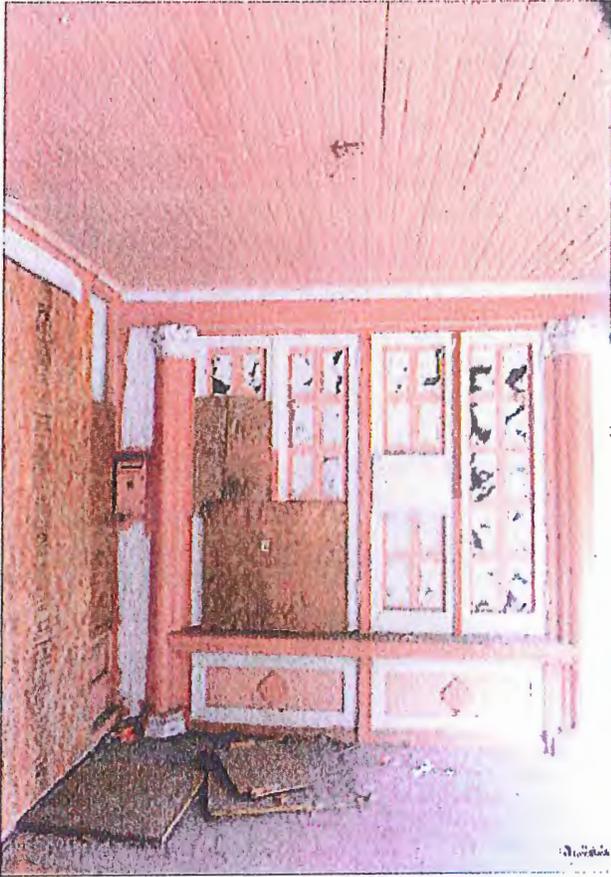
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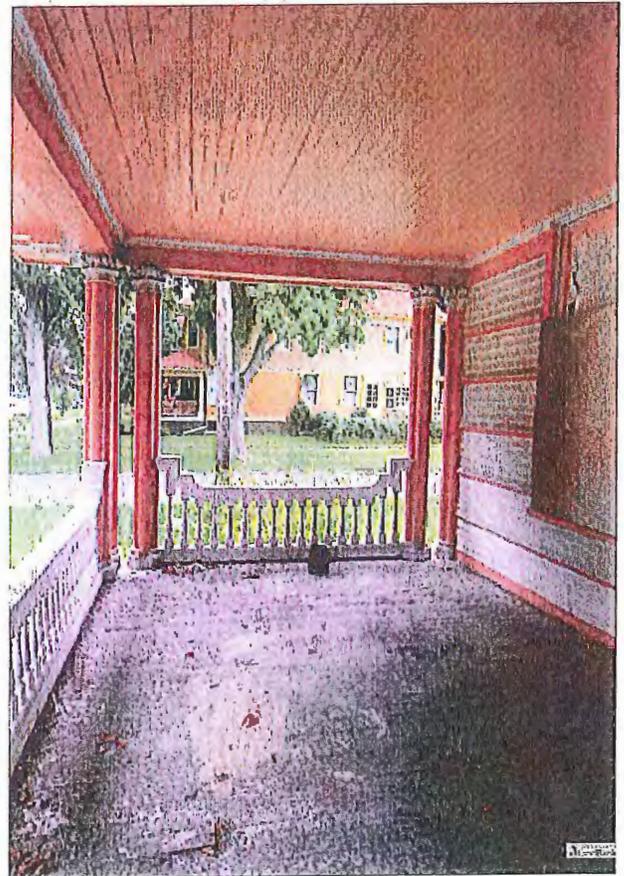
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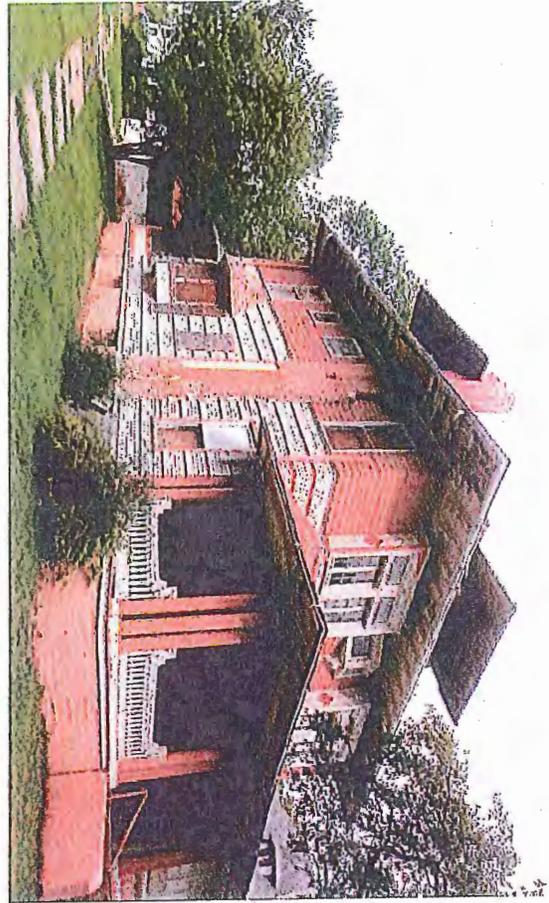
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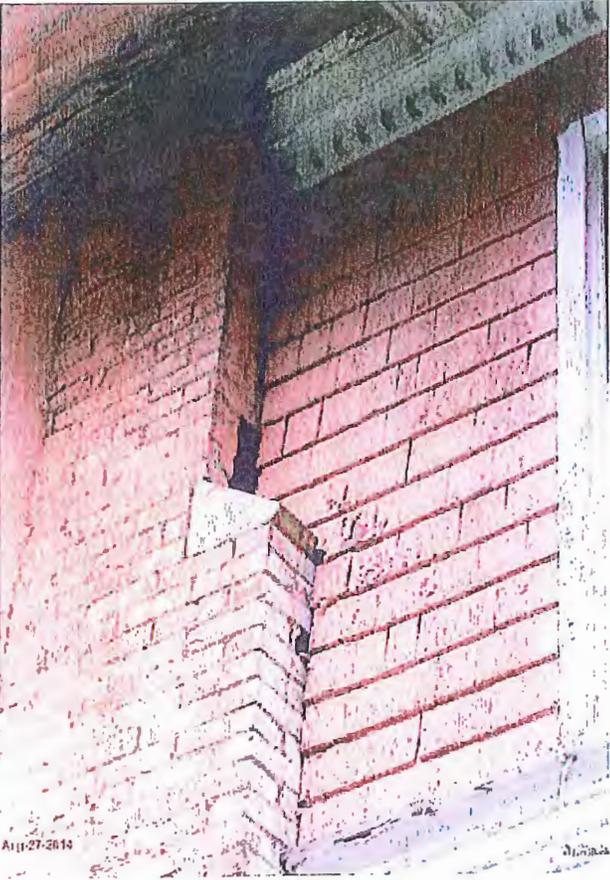
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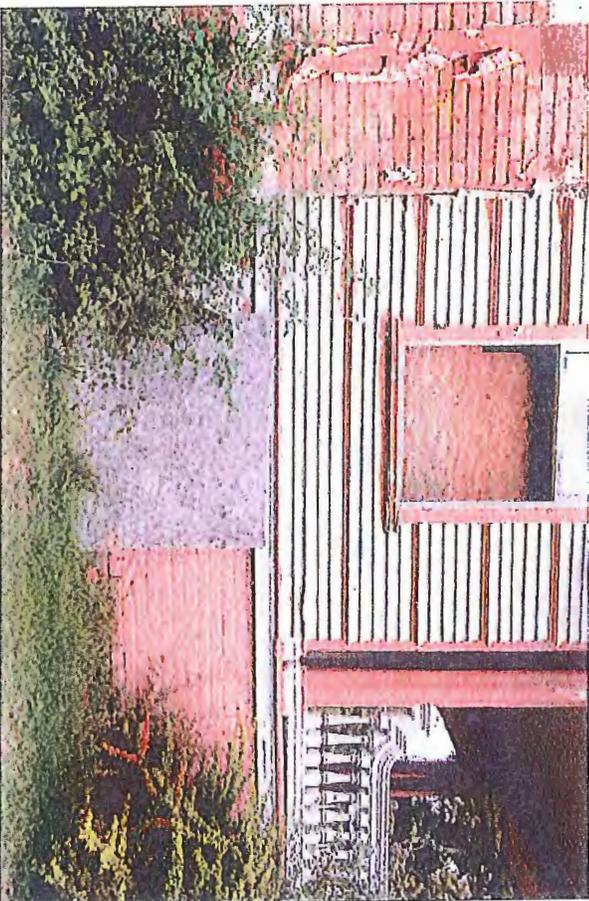
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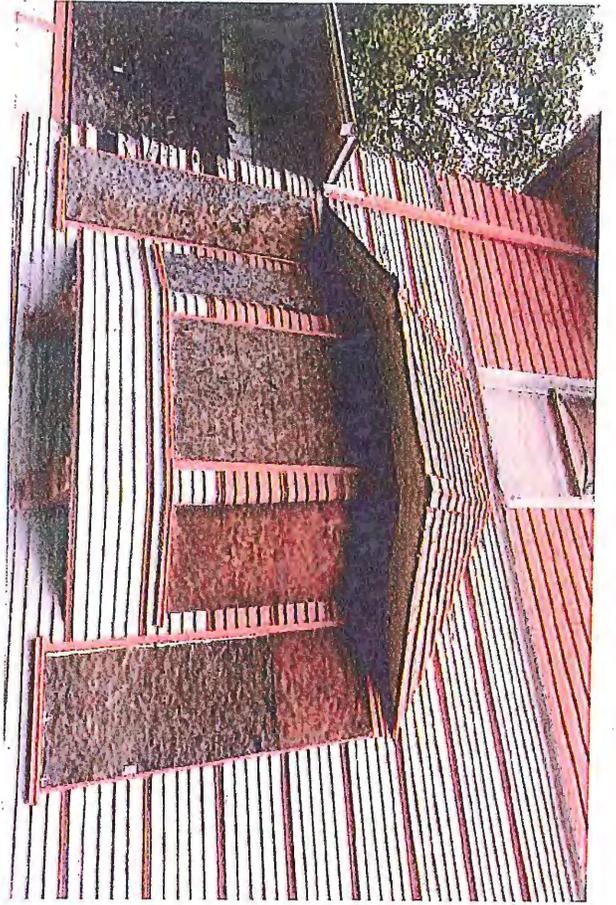
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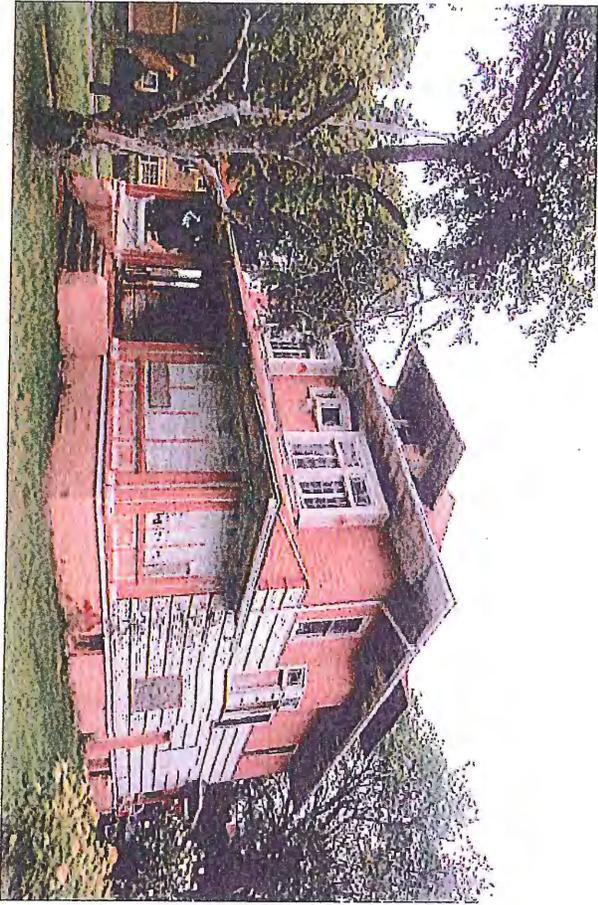
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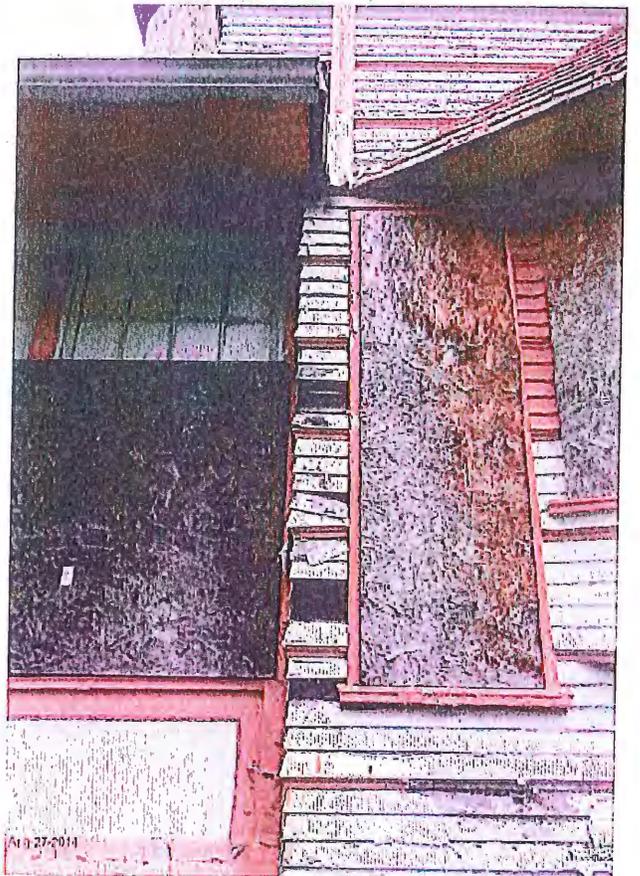
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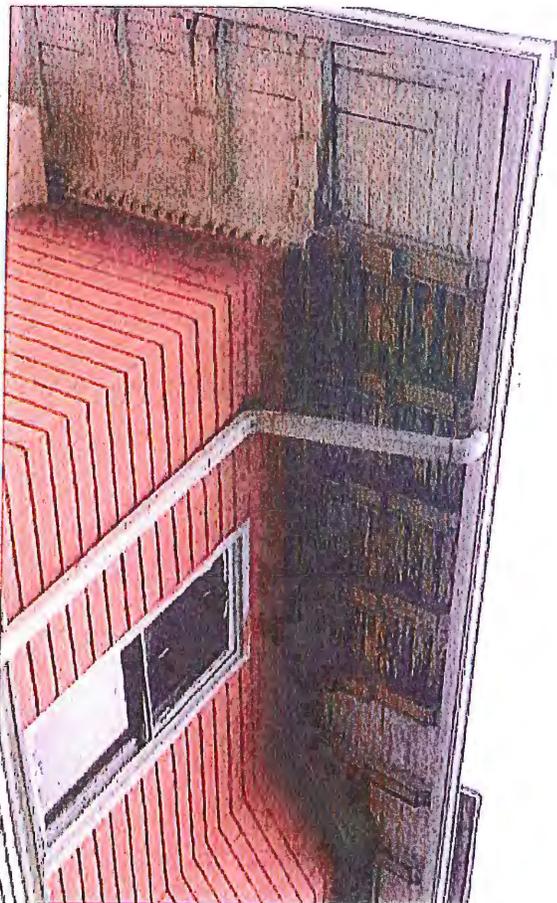
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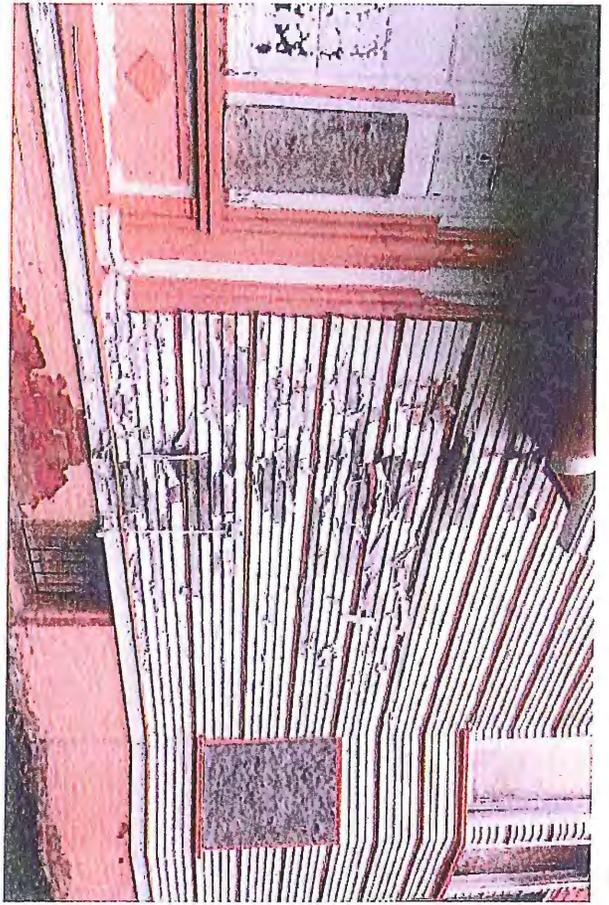
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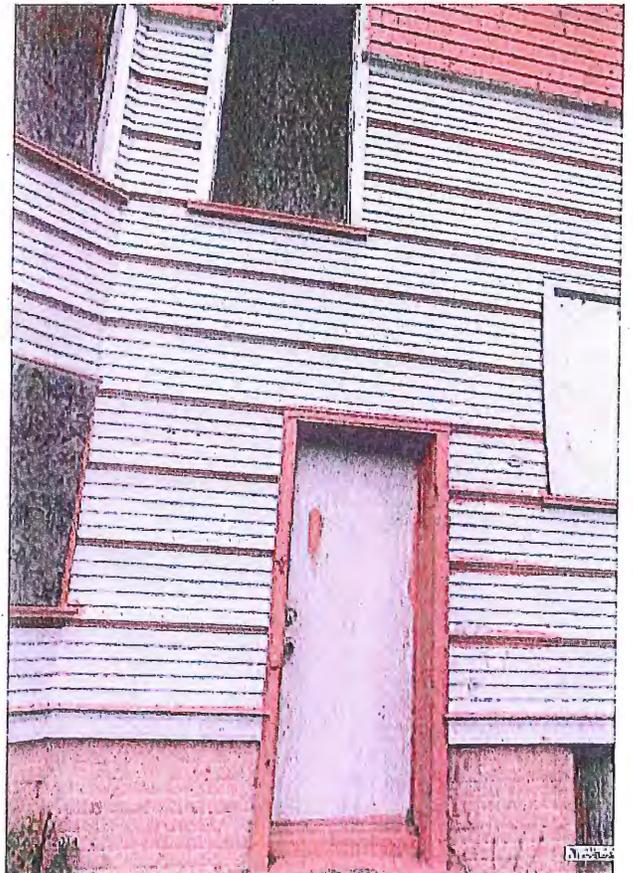
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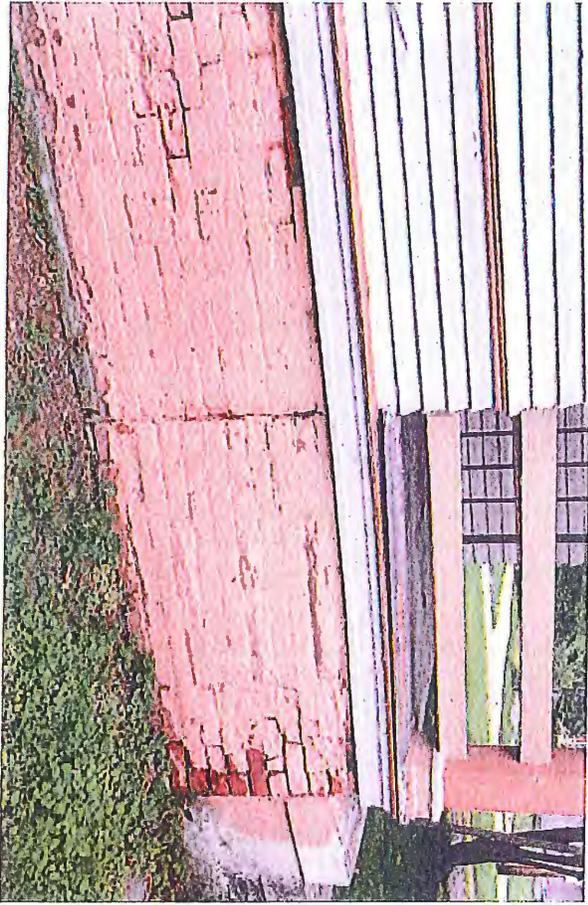
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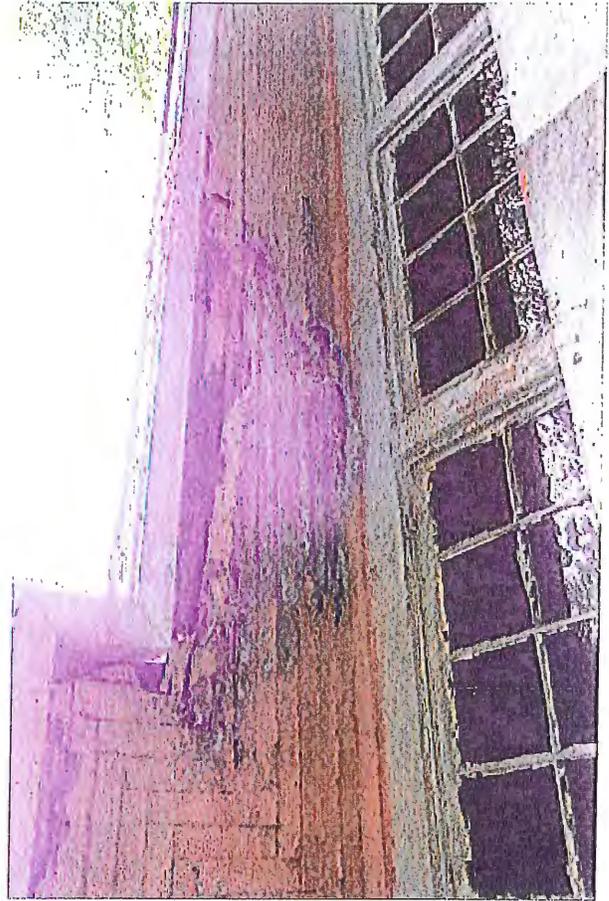
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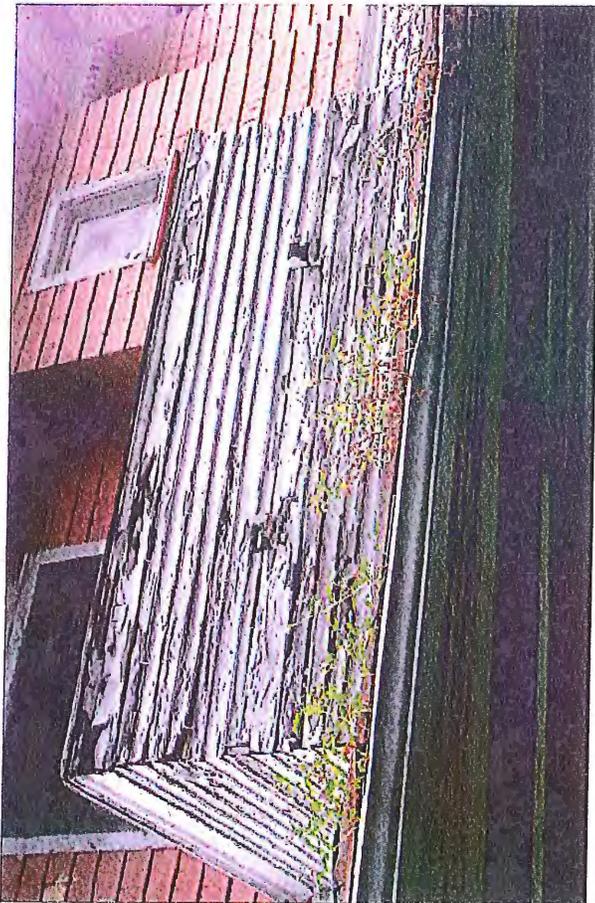
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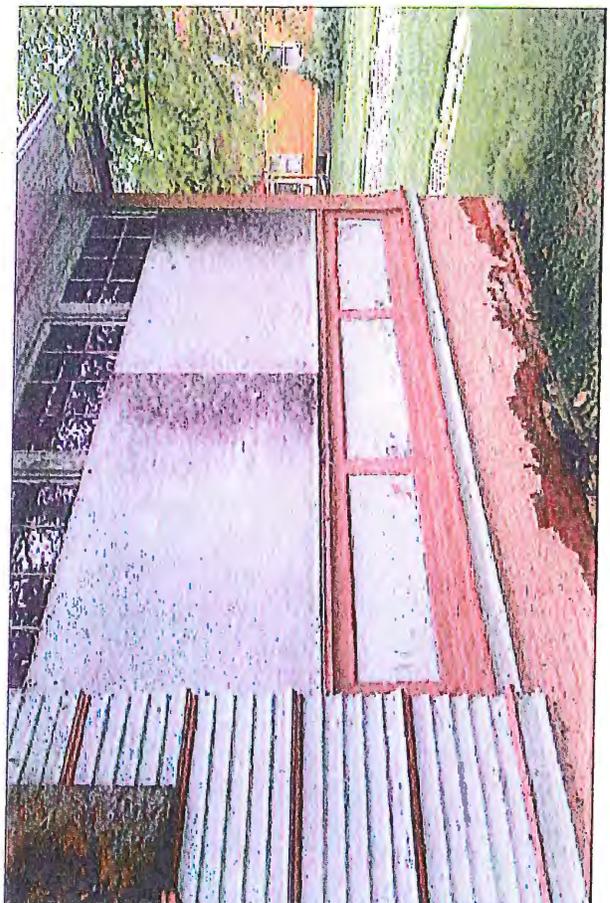
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06-07971 (2301 Glenwood) L2 021



06-07971 (2301 Glenwood) L2 023

Exhibit D



Date: 6-Sep-14

Address: 2301 Glenwood

X_ Historic District

Parcel: 06-07971

of Units

Renovation Item	Estimated Costs	Permit?	Comments
1 Foundation	\$ 1,500	Y	Masonry and water entry
2 Roof / Gutters	\$ 8,500	Y	Total tear off; regular water entry
3 Plumbing / Water Heater	\$ 4,000	Y	Complete replacement
4 HVAC	\$ 6,000	Y	Complete replacement
5 Electrical	\$ 6,000	Y	Complete replacement
6 Siding / Exterior Painting	\$ 5,000		Exterior painting to historic district standards
7a Windows	\$ 9,000		Significant repairs/ replacements
7b Doors	\$ 2,000		Significant repairs/ replacements
8a Kitchen / Appliances	\$ 4,000		Complete gut
8b Bathroom(s)	\$ 2,500		Complete gut
9 Interior Walls / Flooring / Ceilings	\$ 10,000		Major first floor reconstruction / stabilization
10a Garage / Porch	\$ 5,000		Carriage house renovations
10b Water Line / Other Miscellaneous Costs	\$ 7,500		Chimney reconstruction
SUBTOTAL	\$ 71,000		
A Renovation Contingency (10% of Subtotal)	\$ 6,800		
B Historic District Contingency (10% of Subtotal)	\$ 6,800		
TOTAL ESTIMATED REHAB COSTS	\$ 84,600		

Notes:

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GENERAL INFORMATION

Subject

- Request - Special Use Permit for fuel sales facility and tobacco shop
- Location - 4460 Lewis Avenue
- Applicant - Michael Safadi
38585 Scott
Westland, MI 48186
- Agent - George Yakumithis
901 Monroe Street
Toledo, OH 43604

Site Description

- Zoning - CR / Regional Commercial
- Area - ±0.19 acres
- Frontage - ±67' along Lewis Avenue
- Frontage - ±120' along Eleanor Avenue
- Existing Use - Vacant Gas Station
- Proposed Use - Fuel Sales and Tobacco Shop

Area Description

- North - Drug Store / CR
- South - Commercial / CR
- East - Duplex Dwelling / CR & RD6
- West - Used Car Lot / CR

Parcel History

- SUP-5061-94 - Request for a Special Use Permit for a canopy installation to an existing filling station located at 4460 Lewis Avenue. Plan Commission recommended approval on 8/4/94, City Council approved on 9/6/94, Ord. 515-94.

GENERAL INFORMATION (cont'd)

Parcel History

SUP-6001-10 - Request for a Special Use Permit for a convenience store and gasoline station located at 4460 Lewis Avenue. Plan Commission recommended disapproval on 7/8/14. Planning and Zoning referred back to Plan Commission with new application on 8/11/10. Application was withdrawn.

Applicable Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan.

STAFF ANALYSIS

The applicant is requesting a Special Use Permit for a site located at 4460 Lewis Avenue, to facilitate a fuel sales facility and tobacco shop. The site consists of one (1) parcel that is comprised of ±0.19 acres of total land area. The site is zoned CR Regional Commercial and was formerly a Clark Gas Station but has ceased operation for more than a year. A Special Use Permit is required because the 1994 Special Use Permit has lapsed.

The applicant intends to add 268 square feet to the existing building. The canopy and pumps on the site will not be modified. The existing building will be utilized as a tobacco shop that offers fuel sales. Tobacco shops are defined as any retail establishment that devotes 33 percent or more of floor area or display area to the sale or exchange of retail packaged tobacco products and/or tobacco paraphernalia and must be at least 500 feet from activities related to children. Hours of operation for a tobacco shop may be limited from 5:30 am to 1 am, or other hours consistent with a liquor permit issued by the State of Ohio.

Parking and Circulation

The site plan depicts three (3) existing fueling station pumps and canopy located on the north side parallel to Eleanor Avenue. The site is accessed via one (1) curb cut on Lewis Avenue and two (2) curb cuts on Eleanor Avenue. Pursuant to TMC§1107.0304 *Parking, Loading, and Access* – Schedule A, fuel sales are required to have one (1) parking space per pump (count as if parked at pump) plus one (1) parking space per 300 square feet of customer area. Tobacco sales require one (1) parking spot per 75 square feet of total floor area (TMC§1107.0304 – Schedule B). The total number of parking spaces that are required is nine (9), including one (1) space for physically disabled persons. The site plan submitted depicts nine (9) parking spaces and is in compliance with the zoning code.

STAFF ANALYSIS (cont'd)

The number of required bicycle parking slots is one (1) per ten (10) parking spaces. The Planning Director may waive the bicycle parking requirements for a particular use if the owner or operator can demonstrate in writing, supported by evidence, that the use does not generate any bicycle usage.

Landscaping

A landscape plan has not been submitted. According to TMC 1114.0502 *Nonconformities – Appearance Upgrade for Nonconformities*, an existing site need only be altered to bring the site closer into conformance with the landscaping requirements of the 2004 zoning code. Staff recommends the installation of foundation plantings. Additionally, staff recommends the installation of greenbelts along both street frontages, outside of the right-of-way, to include a minimum of five (5) feet in width and shall consist of trees and an evergreen hedge. The submittal of a landscape plan is a condition of approval.

Building Design

A building elevation has been submitted indicating metal siding as the predominant exterior building material on the north, south, and west facades. The east façade is primarily standard concrete block. The elevation drawing shows that the proposed 268 square foot addition will mimic the existing structure in material and roof type. Façade colors shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director (TMC§1109.0502(A) - *Design Standards*). The elevation is acceptable because the proposed building materials match or are similar to the existing.

Pursuant to TMC§1104.0903 *Use Regulations* – Support columns shall be brick, brick base, or other durable materials compatible with the principle building. The canopy does not meet the required setback of ten (10) feet or the design criteria per TMC§1104.0903. However, the canopy and columns are existing and therefore not required to be modified. A condition of approval has been added requiring these issues to be addressed if the canopy is upgraded in the future.

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for Neighborhood Commercial uses. The intent of the CN Neighborhood Commercial designation is to accommodate small and medium scale commercial uses that serve neighborhoods. The proposed development conforms to this land use designation.

STAFF ANALYSIS (cont'd)

A commercial use is appropriate for this site; however, staff does not support the request for the proposed development of fuel sales and a tobacco shop due to concerns from the Department of Transportation. The proposed use has been deemed too intense for the site and the site plan submitted does not meet vehicle stacking requirements. Furthermore, the site will not be able to offer the City and other service providers sufficient public safety, transportation, and utility facilities and services to the subject property while maintaining sufficient levels of service for the proposed development (TMC§1111.0706(E)).

Staff is recommending disapproval, however, conditions of approval are included as “Exhibit B”.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend disapproval of SUP-11001-14, a request for a Special Use Permit, for fuel sales facility and tobacco shop located at 4460 Lewis Avenue, to the Toledo City Council, for the following two (2) reasons:

1. The proposed use is too intense for a site this size and meeting the requirements of TMC§1107, “Parking, Loading, and Access” will be extremely difficult. The Division of Transportation objects to the approval of the site plan by the Plan Commission and recommends disapproval of the subject matter.
2. Vehicular ingress and egress to and from the site and circulation within the site must provide for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well (TMC§1111.0809.C).

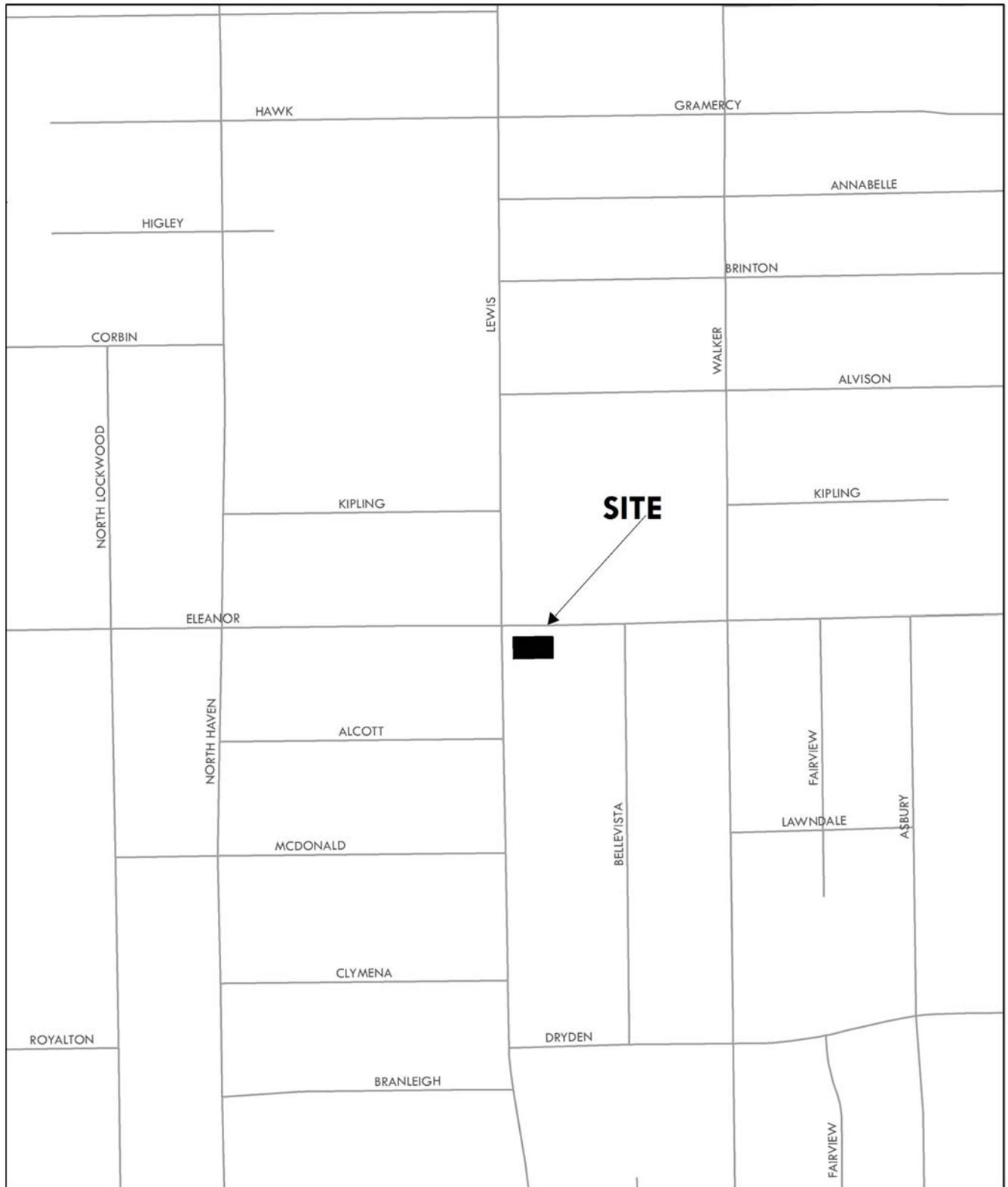
SPECIAL USE PERMIT
TOLEDO CITY PLAN COMMISSION
REF: SUP-11001-14
DATE: May 14, 2015
TIME: 2:00 P.M.

CITY COUNCIL COMMITTEE OF
PLANNING AND ZONING
DATE: June 17, 2015
TIME: 4:00 P.M.

GP/jj
Four (4) sketches follow
Exhibit “A” follows
Exhibit “B” follows

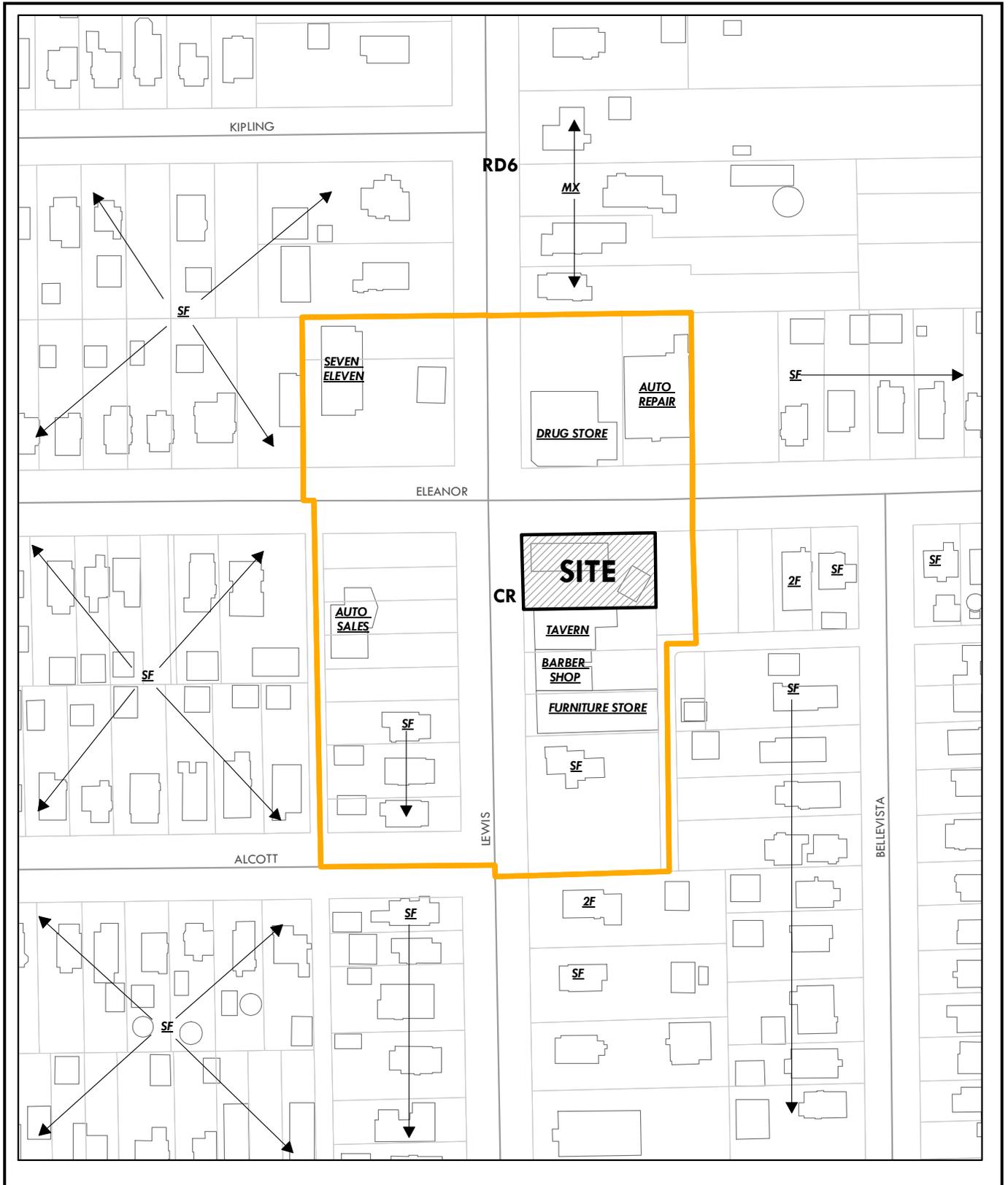
GENERAL LOCATION

SUP-11001-14
ID 38



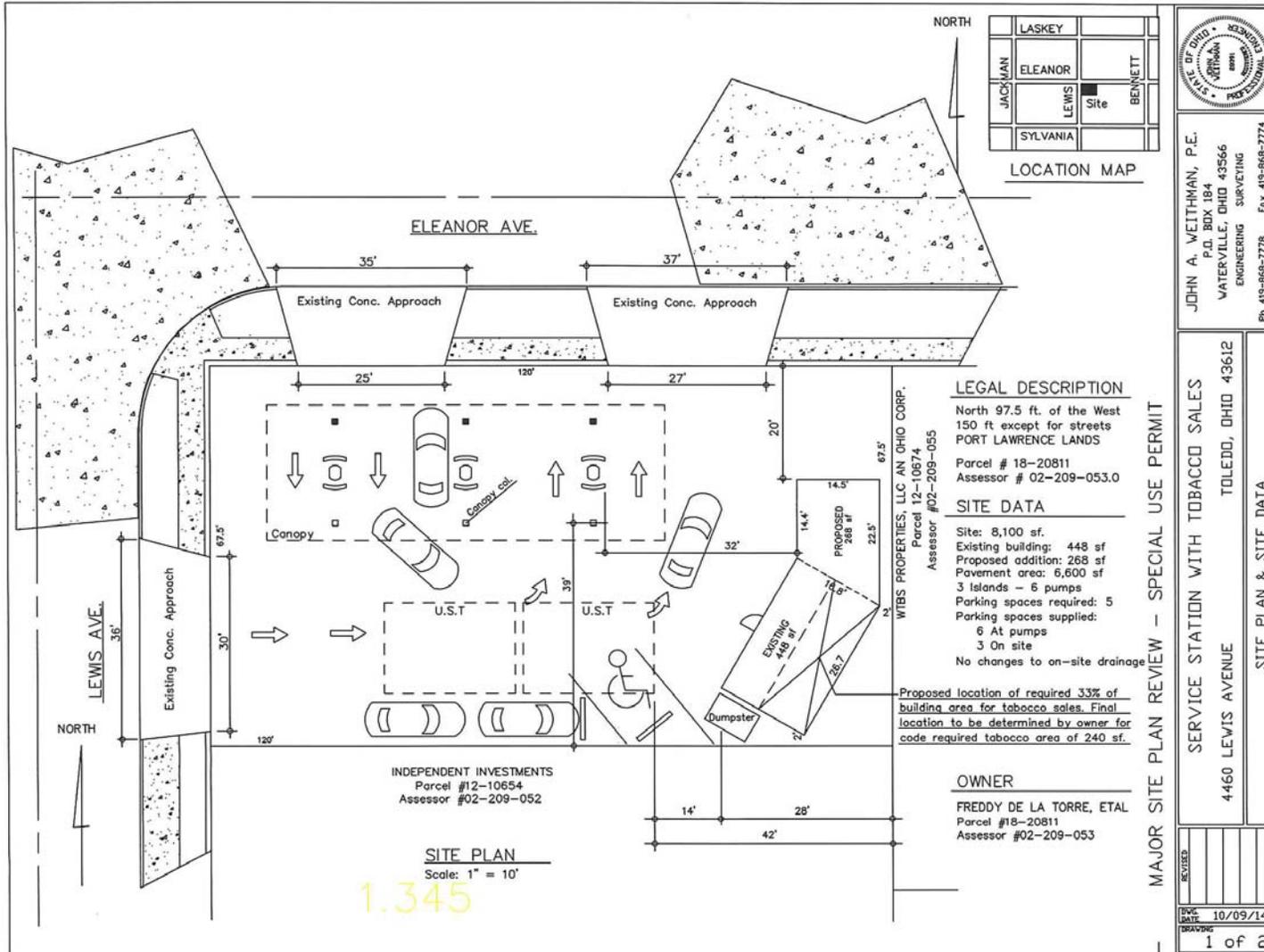
ZONING & LAND USE

SUP-11001-14
ID 38



SITE PLAN

SUP-11001-14
ID 38



LOCATION MAP

LASKEY	
JACKMAN	ELEANOR
LEWIS	Site
SYLVANIA	BENNETT

STATE OF OHIO
REGISTERED PROFESSIONAL SURVEYOR
18811

JOHN A. WEITHMAN, P.E.
P.O. BOX 184
WATERVILLE, OHIO 43566
ENGINEERING SURVEYING
Ph: 419-868-7778 Fax: 419-868-7774

MAJOR SITE PLAN REVIEW - SPECIAL USE PERMIT

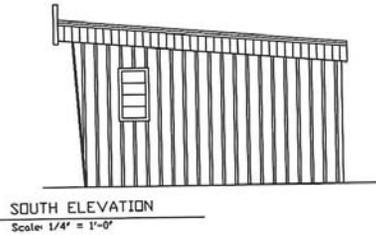
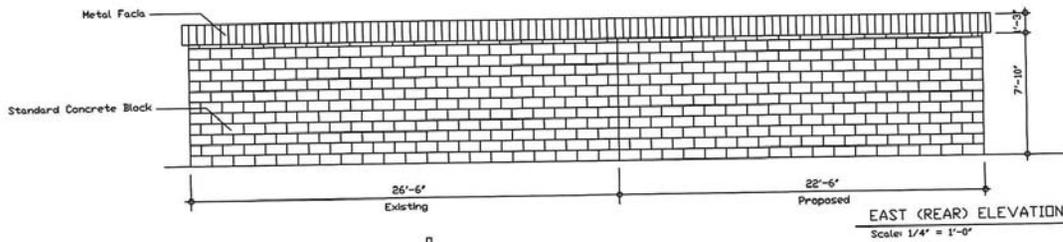
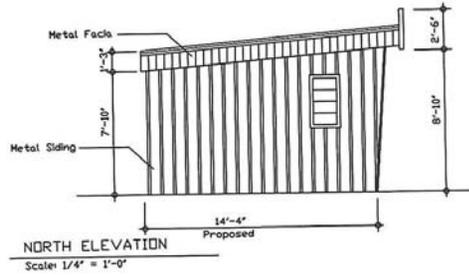
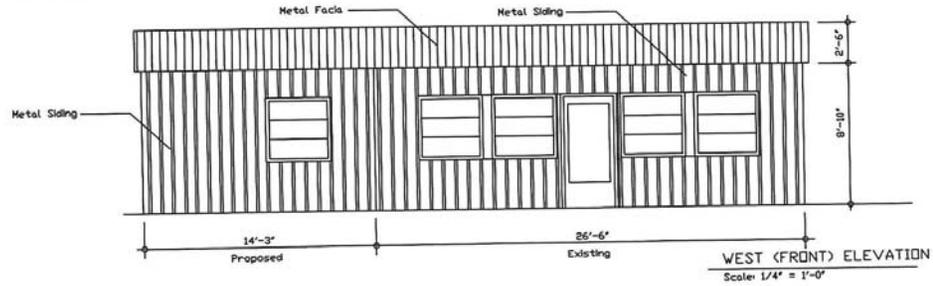
SERVICE STATION WITH TOBACCO SALES
TOLEDD, OHIO 43612

4460 LEWIS AVENUE
SITE PLAN & SITE DATA

REVISED	
DATE	10/09/14
DRAWING	1 of 2

ELEVATIONS

SUP-11001-14
ID 38



JOHN A. WEITHMAN, P.E.
P.O. BOX 184
WATERVILLE, OHIO 43566
ENGINEERING SURVEYING
Ph: 419-868-7778 Fax: 419-868-7774

SERVICE STATION	
TOLEDO, OHIO	
4460 LEVIS AVENUE	
BUILDING ELEVATIONS	
REVISION	
DATE	10/09/14
DRAWING	2 of 2

Exhibit “B”

The staff further recommends that the Toledo City Plan Commission recommend disapproval of SUP-11001-14, a request for a Special Use Permit for fuel sales facility and tobacco shop located at, 4460 Lewis Avenue, to the Toledo City Council, subject to the following thirty-five (35) conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines
2. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, The Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All commercial drive approaches (along with the sidewalk through the drive) shall be constructed with eight-inch (8”) thick concrete per City of Toledo Construction Standards and Specifications. **No curb shall be permitted in the right-of-way along either side of a drive approach. No horizontal curb cutting will be permitted to create a curb drop/opening.**
4. Required permits for all approved work in the public right-of-way shall be obtained before work begins from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

5. Plans submitted for review do not detail any revisions to the existing site that will require earth-disturbing activity of 2,500 or more square feet, nor are any changes shown to the existing storm sewer system. Therefore, it appears that there are no items requiring a storm water plan review. However, if revisions are made to the site plan that will result in earth-disturbing activity of 2,500 or more square feet or cause changes to the existing storm sewer, a full site plan review and approval will be required. Plans will be subject to the rules and regulations of the City of Toledo, Storm Water Utility, including stormwater detention and post-construction stormwater BMPs as specified in the City of Toledo Infrastructure Design and Construction Requirements and the Ohio EPA NPDES General Storm Water Permit for Construction Activities.

Exhibit "B" (cont'd)

Sewer & Drainage Services

6. S&DS recommends that all private sewer lines that are not being removed or properly abandoned (both storm & sanitary) be cleaned and inspected.
7. S&DS recommends that the private sanitary lines (after they have been cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

Environmental Services

8. Applicant shall maintain compliance with the City of Toledo's Sanitary Sewer Use Regulations specified in the Toledo Municipal Code.
9. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
10. Applicants shall maintain compliance with the City of Toledo's Air Quality Regulations specified in the Toledo Municipal Code.
11. Applicant shall maintain compliance with the City of Toledo's Underground Storage Tank Requirements specified in the Toledo Municipal Code.

Fire Prevention

No comments and/or recommendations for the site plan review.

Division of Transportation

12. Drive approaches must be a minimum of 65' away from an intersection. The westernmost Eleanor Ave. drive approach does not meet this requirement and shall be removed.
13. All existing unused drive approaches shall be completely removed and new curbs and sidewalks shall be installed in accordance with City of Toledo Construction Standards.
14. The site is required to maintain 25' drives aisle to accommodate two-way traffic.

Exhibit "B" (cont'd)

Division of Transportation

15. The angled parking and parallel parking creates a conflict in traffic movements.
16. Vehicle stacking is required for fuel sales. One stall stacking is required in addition to the vehicle at the pump by the Toledo Municipal Code. The stacking stall area is not included the previously mentioned 25' drive aisle requirement.
17. The position of the dumpster prevents proper access by service vehicles.

The proposed use is too intense for a site this size and meeting the requirements of TMC 1107, "Parking, Loading and Access" will be extremely difficult. The Division of Transportation objects to the approval of the site plan by the Plan Commissions and recommends disapproval of the subject matter.

Building Inspection

18. Any construction new and/or alterations of any existing building on this site will require stamped construction documents submitted to the Division of Building Inspection for plan review and approval showing the improvements to be in compliance with the Ohio Building Code and the associated mechanical, electrical and fire codes along with compliance of federal ADA standards.
19. Signage and fencing must be separately reviewed and permitted.

Plan Commission

20. A detailed floor plan shall be submitted indicating the location and percentage of tobacco sales. Floor area dedicated to tobacco sales shall be a minimum of 33%.
21. A concrete curb or permanent wheel stops shall be constructed along the edge of all parking spaces adjoining landscaping area.
22. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by a solid wooden fence or a masonry screen enclosure with landscaping and shall not be located in any required setbacks.
23. Lights and light fixtures used to illuminate any parking or loading area must be selected and arranged to direct and reflect light away from any adjacent residential property and public ways and away from the sky above the light fixture.

Exhibit “B” (cont’d)

Plan Commission (cont’d)

24. Hours of operation may be limited to 5:30 a.m. to 1 a.m., or other hours consistent with a liquor permit issued by the State of Ohio, to reduce detriment to the area (TMC§1104.0901.H).
25. A tobacco shop shall not be located within 500 feet of any of the following uses: school, public park, public library, child day care center, or other use established specifically for the activities of minors (TMC 1104.1701).
26. A tobacco shop must adhere to all state and federal regulations regarding cigarette making machines and other machines for making tobacco products, spacing of said machines in relation to a tobacco shop, and all other statutory and regulatory requirements.
27. If the canopy is upgraded or modified in the future, then the following shall apply: Canopy shall be setback minimum of 10’ from the property line, support columns shall be brick, brick base, or other durable materials compatible with the principle building. The Planning Director may require a peaked roof to complement the principle building (TMC§1104.0903.A).
28. Non-petroleum displays must be within 25 feet of the building but not within 25 feet of any right-of-way. The maximum height of such displays shall not exceed 5 feet (TMC§1104.0903.C).
29. Free air (with the capability of filling standard automobile tires), water, and restrooms shall be provided and maintained during operating hours of the station (TMC§1104.0903.D).
30. Ingress and egress to a parking lot in a Commercial or Industrial zoning district must be from a major street or from a street located in a Commercial or Industrial district with Commercial or Industrial zoning on the opposite side of the street (TMC§1107.1203). **Acceptable as depicted on site plan.**
31. Façade colors for the addition shall be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors subject to the approval of the Planning Director. The building materials of the addition shall meet the requirements of TMC§1109.0500 - *Building Façade Materials and Color*.

Exhibit "B" (cont'd)

Plan Commission (cont'd)

32. A detailed site, lighting, sign, fencing and landscaping plan shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. A minimum five (5) foot greenbelt is required along both street frontages and shall consist of trees and evergreen hedge;
 - b. Foundation plantings are required along all main and secondary entrances of the building, and patio areas that are visible from the public right of way, and landscaping at all major building entrances. (TMC 1108.0205.B Landscaping and Screening).
 - c. Topsoil must be back filled to provide positive drainage of the landscape area;
 - d. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage, **as pertaining to the foundation plantings;**
 - e. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Materials Standards;
 - f. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission (lights are to be directed away from adjacent residential properties).
 - g. The location, lighting and size of any signs, all signage is subject to TMC§1387.

33. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.

Exhibit "B" (cont'd)

Plan Commission (cont'd)

34. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.
35. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

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GENERAL INFORMATION

Subject

- Request - Text Amendment for chapter 1115 replacing all references to the Director of the Department of Inspection back to the Commissioner of Building Inspection and Commissioner of Code Enforcement
- Applicant - City of Toledo Department of Neighborhoods
One Government Center, Suite 1800
Toledo, Ohio 43604

Applicable Plans and Regulations

Toledo Municipal Code Part Eleven: Planning and Zoning

STAFF ANALYSIS

The Departments of Building Inspection and Code Enforcement were aligned as a single department on June 27, 2013 to vest authority for enforcement of the zoning code to the Director of Building Inspection (Ord. 323-13). The ordinance was used to up-date the Municipal Code to current conditions by placing enforcement authority of the City's zoning code with the Director of Inspection.

Recent realignment of City Departments has placed the Department of Code Enforcement under the Department of Neighborhoods and the Department of Building Inspection has been placed under the Department of Economic and Business Development. This text amendment is to facilitate a change of authorities for code enforcement by repealing TMC§1115 and reenacting the former authorities of TMC§1115. The proposed text Amendment for Chapter 1115 replaces all references to the Director of the Department of Inspection back to the Commissioner of Building Inspection and Commissioner of Code Enforcement. The request comes from the Director of the Department of Neighborhoods. The amendment is to accurately reflect the structures of the new departments.

STAFF RECOMMENDATION

The staff recommends that the Toledo City Plan Commission recommend approval of the text amendment to the Planning and Zoning Code to the Toledo City Council.

REF: M-7-13. . May 14, 2015

ZONING TEXT AMENDMENT
TOLEDO CITY PLAN COMMISSION

REF: M-3-15

DATE: May 14, 2015

TIME: 2:00 p.m.

CITY COUNCIL PLANNING
AND ZONING COMMITTEE

DATE: June 17, 2015

TIME: 4:00 p.m.

GP/jj

STAFF REPORT CONDITIONS OF APPROVAL – AGENCY SOURCE IDENTIFICATION

Recommendations for conditions of approval often originate from agencies that have reviewed plans and proposals under consideration by the Plan Commission. To indicate which agency requested which condition of approval, that agency's name is placed at the end of the condition in parenthesis. Agency names are listed below:

TOLEDO-LUCAS COUNTY
PLAN COMMISSIONS
ONE GOVERNMENT CENTER
SUITE 1620
TOLEDO, OH 43604
419-245-1200

FIRE PREVENTION
c/o BUILDING INSPECTION
ONE GOVERNMENT CENTER
SUITE 1600
TOLEDO, OH 43604
419-245-1220

TOLEDO EDISON COMPANY
CHRISTINE CUNNINGHAM
ENGINEERING SERVICES
6099 ANGOLA RD.
HOLLAND, OH 43528
419-249-5440

DIVISION OF WATER DISTRIBUTION
401 S. ERIE STREET
TOLEDO, OH 43604
419-936-2826

DIVISION OF FORESTRY
COMMISSIONER
2201 OTTAWA PARKWAY
TOLEDO, OH 43606
419-936-2326

UNITED STATES POST OFFICE
POSTMASTER
435 S. ST. CLAIR STREET
TOLEDO, OH 43601
419-245-6802

DIVISION OF WATER
RECLAMATION
COMMISSIONER
3900 N. SUMMIT STREET
TOLEDO, OH 43611
419-727-2602

DIVISION OF INSPECTION
COMMISSIONER
ONE GOVERNMENT CENTER
SUITE 1600
TOLEDO, OH 43604
419-245-1220

LUCAS SOIL AND
CONSERVATION DISTRICT
JEFF GRABARKIEWICZ
130-A W. DUDLEY
MAUMEE, OH 43537
419-893-1966

DIVISION OF TRANSPORTATION
COMMISSIONER
110 N. WESTWOOD
TOLEDO, OH 43607
419-245-1300

DIVISION OF
ENGINEERING SERVICES
COMMISSIONER
ONE LAKE ERIE CENTER
600 JEFFERSON AVENUE, STE 300
TOLEDO, OH 43604
419-245-1315

LUCAS COUNTY ENGINEER
KEITH EARLEY
1049 S. MCCORD ROAD
HOLLAND, OH 43528
419-213-2860

SERVICE DEPARTMENT
EDWARD MOORE, DIRECTOR
110 N. WESTWOOD
TOLEDO, OH 43607
419-245-1835

COLUMBIA GAS COMPANY
TONY BUCKLEY
FIELD ENGINEER TECHNICIAN
2901 E. MANHATTAN BLVD
TOLEDO, OH 43611
419-539-6078

LUCAS COUNTY
SANITARY ENGINEER
JIM SHAW
111 S. McCORD ROAD
HOLLAND, OH 43528
419-213-2926

TOLEDO-LUCAS COUNTY
HEALTH DEPT.
LANA GLORE, ENV. HEALTH SERV.
635 N. ERIE STREET ROOM 352
TOLEDO, OH 43604
419-213-4209

A T & T
ATTN: DESIGN MANAGER
130 N. ERIE, ROOM 714
TOLEDO, OH 43604
419-245-7000

BUCKEYE CABLESYSTEM, INC.
GARY KASUBSKI
4818 ANGOLA ROAD
TOLEDO, OH 43615
419-724-3821

VERIZON
BRAD SNYDER
300 W. GYPSY LANE
BOWLING GREEN, OH 43402
419-354-9452

WATERVILLE GAS
JAMIE BLACK
PO BOX 259
WATERVILLE, OH 43566
419-878-4972

OHIO GAS
MIKE CREAGER
13630 AIRPORT HWY.
SWANTON, OH 43558
419-636-1117

TIME WARNER
RAY MAURER
3760 INTERCHANGE ROAD
COLUMBUS, OH 43204
614-481-5262

EMBARQ
117 E. CLINTON STREET
NAPOLEON, OH 43545
419-599-4030

CENTURYLINK
TIM R. TAYLOR
375 E. RIVERVIEW AVE.
NAPOLEON, OH 43502

